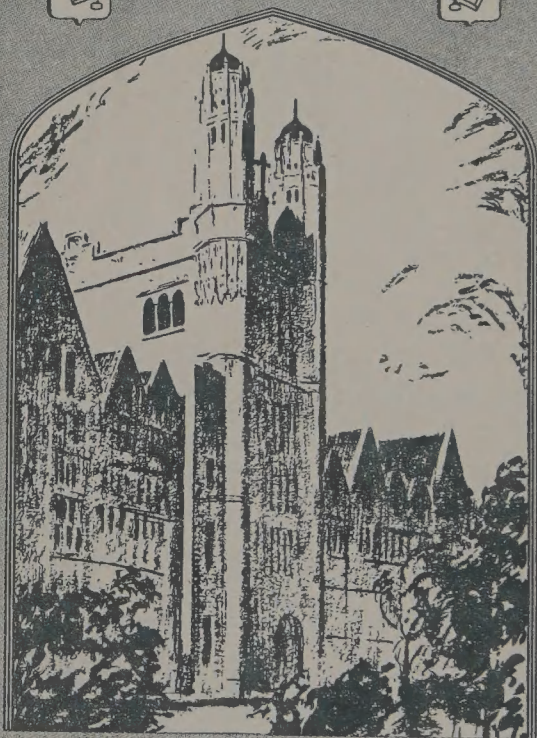




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NORTH AND SOUTH, 1861

From the painting by Ferris. In the Ferris Collection of American  
Historical Paintings

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# THE CONFEDERACY AND RECONSTRUCTION

PART 1: THE DAY OF THE CONFEDERACY

BY NATHANIEL W. STEPHENSON

PART 2: THE SEQUEL OF APPOMATTOX

BY WALTER LYNWOOD FLEMING



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PART I

THE DAY OF THE CONFEDERACY

A CHRONICLE  
OF THE EMBATTLED SOUTH

BY

NATHANIEL W. STEPHENSON

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**TO**

**HENRY KENNON DUNHAM**



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# THE DAY OF THE CONFEDERACY

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## CHAPTER I

### THE SECESSION MOVEMENT

THE secession movement had three distinct stages. The first, beginning with the news that Lincoln was elected, closed with the news, sent broadcast over the South from Charleston, that Federal troops had taken possession of Fort Sumter on the night of the 26th of December. During this period the likelihood of secession was the topic of discussion in the lower South. What to do in case the lower South seceded was the question which perplexed the upper South. In this period no State north of South Carolina contemplated taking the initiative. In the Southeastern and Gulf States immediate action of some sort was expected. Whether it would be secession or some other new course was not certain on the day of Lincoln's election.

## 2 THE DAY OF THE CONFEDERACY

Various States earlier in the year had provided for conventions of their people in the event of a Republican victory. The first to assemble was the convention of South Carolina, which organized at Columbia, on December 17, 1860. Two weeks earlier Congress had met. Northerners and Southerners had at once joined issue on their relation in the Union. The House had appointed its committee of thirty-three to consider the condition of the country. So unpromising indeed from the Southern point of view had been the early discussions of this committee that a conference of Southern members of Congress had sent out their famous address *To Our Constituents*: "The argument is exhausted. All hope of relief in the Union . . . is extinguished, and we trust the South will not be deceived by appearances or the pretense of new guarantees. In our judgment the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety, and independence of the Southern people require the organization of a Southern Confederacy — a result to be obtained only by separate state secession." Among the signers of this address were the two statesmen who had in native talent no superiors at Washington —

Judah P. Benjamin of Louisiana and Jefferson Davis of Mississippi.

The appeal *To Our Constituents* was not the only assurance of support tendered to the convention of South Carolina. To represent them at this convention the governors of Alabama and Mississippi had appointed delegates. Mr. Hooker of Mississippi and Mr. Elmore of Alabama made addresses before the convention on the night of the 17th of December. Both reiterated views which during two days of lobbying they had disseminated in Columbia "on all proper occasions." Their argument, summed up in Elmore's report to Governor Moore of Alabama, was "that the only course to unite the Southern States in any plan of coöperation which could promise safety was for South Carolina to take the lead and secede at once without delay or hesitation . . . that the only effective plan of coöperation must ensue after one State had seceded and presented the issue when the plain question would be presented to the other Southern States whether they would stand by the seceding State engaged in a common cause or abandon her to the fate of coercion by the arms of the Government of the United States."

Ten years before, in the unsuccessful secession

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movement of 1850 and 1851, Andrew Pickens Butler, perhaps the ablest South Carolinian then living, strove to arrest the movement by exactly the opposite argument. Though desiring secession, he threw all his weight against it because the rest of the South was averse. He charged his opponents, whose leader was Robert Barnwell Rhett, with aiming to place the other Southern States "in such circumstances that, having a common destiny, they would be compelled to be involved in a common sacrifice." He protested that "to force a sovereign State to take a position against its consent is to make of it a reluctant associate. . . . Both interest and honor must require the Southern States to take council together."

That acute thinker was now in his grave. The bold enthusiast whom he defeated in 1851 had now no opponent that was his match. No great personality resisted the fiery advocates from Alabama and Mississippi. Their advice was accepted. On December 20, 1860, the cause that ten years before had failed was successful. The convention, having adjourned from Columbia to Charleston, passed an ordinance of secession.

Meanwhile, in Georgia, at a hundred meetings, the secession issue was being hotly discussed. But



there was not yet any certainty which way the scale would turn. An invitation from South Carolina to join in a general Southern convention had been declined by the Governor in November. Governor Brown has left an account ascribing the comparative coolness and deliberation of the hour to the prevailing impression that President Buchanan had pledged himself not to alter the military status at Charleston. In an interview between South Carolina representatives and the President, the Carolinians understood that such a pledge was given. "It was generally understood by the country," says Governor Brown, "that such an agreement . . . had been entered into . . . and that Governor Floyd of Virginia, then Secretary of War, had expressed his determination to resign his position in the Cabinet in case of the refusal of the President to carry out the agreement in good faith. The resignation of Governor Floyd was therefore naturally looked upon, should it occur, as a signal given to the South that reinforcements were to be sent to Charleston and that the coercive policy had been adopted by the Federal Government."

While the "canvass in Georgia for members of the State convention was progressing with much interest on both sides," there came suddenly the

news that Anderson had transferred his garrison from Fort Moultrie to the island fortress of Sumter. That same day commissioners from South Carolina, newly arrived at Washington, sought in vain to persuade the President to order Anderson back to Moultrie. The Secretary of War made the subject an issue before the Cabinet. Unable to carry his point, two days later he resigned.<sup>1</sup>

The Georgia Governor, who had not hitherto been in the front rank of the aggressives, now struck a great blow. Senator Toombs had telegraphed from Washington that Fort Pulaski, guarding the Savannah River, was "in danger." The Governor had reached the same conclusion. He mustered the state militia and seized Fort Pulaski. Early in the morning on January 3, 1861, the fort was occupied by Georgia troops. Shortly afterward, Brown wrote to a commissioner sent by the Governor of Alabama to confer with him: "While many of our most patriotic and intelligent citizens in both States have doubted the propriety of immediate secession, I feel quite confident that recent events have dispelled those doubts from the

<sup>1</sup> The President had already asked for Floyd's resignation because of financial irregularities, and Floyd was shrewd enough to use Anderson's *coup* as an excuse for resigning. See Rhodes. *History of the United States*, vol. II, pp. 225, 236 (note).

minds of most men who have, till within the past few days, honestly sustained them." The first stage of the secession movement was at an end; the second had begun.

A belief that Washington had entered upon a policy of aggression swept the lower South. The state conventions assembling about this time passed ordinances of secession — Mississippi, January 9; Florida, January 10; Alabama, January 11; Georgia, January 19; Louisiana, January 26; Texas, February 1. But this result was not achieved without considerable opposition. In Georgia the Unionists put up a stout fight. The issue was not upon the right to secede — virtually no one denied the right — but upon the wisdom of invoking the right. Stephens, gloomy and pessimistic, led the opposition. Toombs came down from Washington to take part with the secessionists. From South Carolina and Alabama, both ceaselessly active for secession, commissioners appeared to lobby at Milledgeville, as commissioners of Alabama and Mississippi had lobbied at Columbia. Besides the out-and-out Unionists, there were those who wanted to temporize, to threaten the North, and to wait for developments. The motion on which these men and the Unionists made their

## 8 THE DAY OF THE CONFEDERACY

last stand together went against them 164 to 133. Then at last came the square question: Shall we secede? Even on this question, the minority was dangerously large. Though the temporizers came over to the secessionists, and with them came Stephens, there was still a minority of 89 irreconcilables against the majority numbering 208.

"My allegiance," said Stephens afterwards, "was, as I considered it, not due to the United States, or to the people of the United States, but to Georgia, in her sovereign capacity. Georgia had never parted with her right to demand the ultimate allegiance of her citizens."

The attempt in Georgia to restrain impetuosity and advance with deliberation was paralleled in Alabama, where also the aggressives were determined not to permit delay. In the Alabama convention, the conservatives brought forward a plan for a general Southern convention to be held at Nashville in February. It was rejected by a vote of 54 to 45. An attempt to delay secession until after the 4th of March was defeated by the same vote.

The determination of the radicals to precipitate the issue received interesting criticism from the Governor of Texas, old Sam Houston. To a

commissioner from Alabama who was sent out to preach the cause in Texas the Governor wrote, in substance, that since Alabama would not wait to consult the people of Texas he saw nothing to discuss at that time, and he went on to say:

Recognizing as I do the fact that the sectional tendencies of the Black Republican party call for determined constitutional resistance at the hands of the united South, I also feel that the million and a half of noble-hearted, conservative men who have stood by the South, even to this hour, deserve some sympathy and support. Although we have lost the day, we have to recollect that our conservative Northern friends cast over a quarter of a million more votes against the Black Republicans than we of the entire South. I cannot declare myself ready to desert them as well as our Southern brethren of the border (and such, I believe, will be the sentiment of Texas) until at least one firm attempt has been made to preserve our constitutional rights within the Union.

Nevertheless, Houston was not able to control his State. Delegates from Texas attended the later sessions of a general Congress of the seceding States which, on the invitation of Alabama, met at Montgomery on the 4th of February. A contemporary document of singular interest today is the series of resolutions adopted by the Legislature of North Carolina, setting forth that, as the

State was a member of the Federal Union, it could not accept the invitation of Alabama but should send delegates for the purpose of persuading the South to effect a readjustment on the basis of the Crittenden Compromise as modified by the Legislature of Virginia. The commissioners were sent, were graciously received, were accorded seats in the Congress, but they exerted no influence on the course of its action.

The Congress speedily organized a provisional Government for the Confederate States of America. The Constitution of the United States, rather hastily reconsidered, became with a few inevitable alterations the Constitution of the Confederacy.<sup>1</sup>

<sup>1</sup> To the observer of a later age this document appears a thing of haste. Like the framers of the Constitution of 1787, who omitted from their document some principles which they took for granted, the framers of 1861 left unstated their most distinctive views. The basal idea upon which the revolution proceeded, the right of secession, is not to be found in the new Constitution. Though the preamble declares that the States are acting in their sovereign and independent character, the new Confederation is declared "permanent." In the body of the document are provisions similar to those in the Federal Constitution enabling a majority of two-thirds of the States to amend at their pleasure, thus imposing their will upon the minority. With three notable exceptions the new Constitution, subsequent to the preamble, does little more than restate the Constitution of 1787 rearranged so as to include those basal principles of the English law added to the earlier Constitution by the first eight amendments. The three exceptions are the prohibitions (1) of the payment of bounties, (2) of the levying of duties to promote any one form of industry, and

Davis was unanimously elected President; Stephens, Vice-President. Provision was made for raising an army. Commissioners were dispatched to Washington to negotiate a treaty with the United States; other commissioners were sent to Virginia to attempt to withdraw that great commonwealth from the Union.

The upper South was thus placed in a painful situation. Its sympathies were with the seceding States. Most of its people felt also that if coercion was attempted, the issue would become for Virginia and North Carolina, no less than for South Carolina and Alabama, simply a matter of self-preservation. As early as January, in the exciting days when Floyd's resignation was being interpreted as a call to arms, the Virginia Legislature had resolved that it would not consent to the coercion of a seceding State. In May the Speaker of the North Carolina Legislature assured a commissioner from Georgia that North Carolina would never consent to the movement of troops "from or

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(3) of appropriations for internal improvements. Here was a monument to the battle over these matters in the Federal Congress. As to the mechanism of the new Government it was the same as the old except for a few changes of detail. The presidential term was lengthened to six years and the President was forbidden to succeed himself. The President was given the power to veto items in appropriation bills. The African slave-trade was prohibited.



across" the State to attack a seceding State. But neither Virginia nor North Carolina in this second stage of the movement wanted to secede. They wanted to preserve the Union, but along with the Union they wanted the principle of local autonomy. It was a period of tense anxiety in those States of the upper South. The frame of mind of the men who loved the Union but who loved equally their own States and were firm for local autonomy is summed up in a letter in which Mrs. Robert E. Lee describes the anguish of her husband as he confronted the possibility of a divided country.

The real tragedy of the time lay in the failure of the advocates of these two great principles — each so necessary to a far-flung democratic country in a world of great powers! — the failure to coördinate them so as to insure freedom at home and strength abroad. The principle for which Lincoln stood has saved Americans in the Great War from playing such a trembling part as that of Holland. The principle which seemed to Lee even more essential, which did not perish at Appomattox but was transformed and not destroyed, is what has kept us from becoming a western Prussia. And yet if only it had been possible to coördinate the two without the price of war! It was not possible because of



the stored up bitterness of a quarter century of recrimination. But Virginia made a last desperate attempt to preserve the Union by calling the Peace Convention. It assembled at Washington the day the Confederate Congress met at Montgomery. Though twenty-one States sent delegates, it was no more able to effect a working scheme of compromise than was the House committee of thirty-three or the Senate committee of thirteen, both of which had striven, had failed, and had gone their ways to a place in the great company of historic futilities.

And so the Peace Convention came and went, and there was no consolation for the troubled men of the upper South who did not want to secede but were resolved not to abandon local autonomy. Virginia was the key to the situation. If Virginia could be forced into secession, the rest of the upper South would inevitably follow. Therefore a Virginia hothead, Roger A. Pryor, being in Charleston in those wavering days, poured out his heart in fiery words, urging a Charleston crowd to precipitate war, in the certainty that Virginia would then have to come to their aid. When at last Sumter was fired upon and Lincoln called for volunteers, the second stage of the secession movement ended

in a thunderclap. The third period was occupied by the second group of secessions: Virginia on the 17th of April, North Carolina and Arkansas during May, Tennessee early in June.

Sumter was the turning-point. The boom of the first cannon trained on the island fortress deserves all the rhetoric it has inspired. Who was immediately responsible for that firing which was destiny? Ultimate responsibility is not upon any person. War had to be. If Sumter had not been the starting-point, some other would have been found. Nevertheless the question of immediate responsibility, of whose word it was that served as the signal to begin, has produced an historic controversy.

When it was known at Charleston that Lincoln would attempt to provision the fort, the South Carolina authorities referred the matter to the Confederate authorities. The Cabinet, in a fateful session at Montgomery, hesitated — drawn between the wish to keep their hold upon the moderates of the North, who were trying to stave off war, and the desire to precipitate Virginia into the lists. Toombs, Secretary of State in the new Government, wavered; then seemed to find his resolution and came out strong against a demand for

surrender. "It is suicide, murder, and will lose us every friend at the North. . . . It is unnecessary; it puts us in the wrong; it is fatal," said he. But the Cabinet and the President decided to take the risk. To General Pierre Beauregard, recently placed in command of the militia assembled at Charleston, word was sent to demand the surrender of Fort Sumter.

On Thursday, the 7th of April, besides his instructions from Montgomery, Beauregard was in receipt of a telegram from the Confederate commissioners at Washington, repeating newspaper statements that the Federal relief expedition intended to land a force "which will overcome all opposition." There seems no doubt that Beauregard did not believe that the expedition was intended merely to provision Sumter. Probably every one in Charleston thought that the Federal authorities were trying to deceive them, that Lincoln's promise not to do more than provision Sumter was a mere blind. Fearfulness that delay might render Sumter impregnable lay back of Beauregard's formal demand, on the 11th of April, for the surrender of the fort. Anderson refused but "made some verbal observations" to the aides who brought him the demand. In effect he said

that lack of supplies would compel him to surrender by the fifteenth. When this information was taken back to the city, eager crowds were in the streets of Charleston discussing the report that a bombardment would soon begin. But the afternoon passed; night fell; and nothing was done. On the beautiful terrace along the sea known as East Battery, people congregated, watching the silent fortress whose brick walls rose sheer from the midst of the harbor. The early hours of the night went by and as midnight approached and still there was no flash from either the fortress or the shore batteries which threatened it, the crowds broke up.

Meanwhile there was anxious consultation at the hotel where Beauregard had fixed his headquarters. Pilots came in from the sea to report to the General that a Federal vessel had appeared off the mouth of the harbor. This news may well explain the hasty dispatch of a second expedition to Sumter in the middle of the night. At half after one, Friday morning, four young men, aides of Beauregard, entered the fort. Anderson repeated his refusal to surrender at once but admitted that he would have to surrender within three days. Thereupon the aides held a council of war. They decided that the reply was unsatisfactory and

wrote out a brief note which they handed to Anderson informing him that the Confederates would open "fire upon Fort Sumter in one hour from this time." The note was dated 3:20 A.M. The aides then proceeded to Fort Johnson on the south side of the harbor and gave the order to fire.

The council of the aides at Sumter is the dramatic detail that has caught the imagination of historians and has led them, at least in some cases, to yield to a literary temptation. It is so dramatic — that scene of the four young men holding in their hands, during a moment of absolute destiny, the fate of a people; four young men, in the irresponsible ardor of youth, refusing to wait three days and forcing war at the instant! It is so dramatic that one cannot judge harshly the artistic temper which is unable to reject it. But is the incident historic? Did the four young men come to Sumter without definite instructions? Was their conference really anything more than a careful comparing of notes to make sure they were doing what they were intended to do? Is not the real clue to the event a message from Beauregard to the Secretary of War telling of his interview with the pilots?<sup>1</sup>

<sup>1</sup> A chief authority for the dramatic version of the council of the aides is that fiery Virginian, Roger A. Pryor. He and another accom-

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Dawn was breaking gray, with a faint rain in the air, when the first boom of the cannon awakened the city. Other detonations followed in quick succession. Shells rose into the night from both sides of the harbor and from floating batteries. How lightly Charleston slept that night may be inferred from the accounts in the newspapers. "At the report of the first gun," says the *Courier*, "the city was nearly emptied of its inhabitants who crowded the Battery and the wharves to witness the conflict."

The East Battery and the lower harbor of the lovely city of Charleston have been preserved almost without alteration. What they are today they were in the breaking dawn on April 12, 1861. Business has gone up the rivers between which Charleston lies and has left the point of the city's peninsula, where East Battery looks outward to the Atlantic, in its perfect charm. There large houses, pillared, with high piazzas, stand apart one from another among gardens. With few exceptions they

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panied the official messengers, the signers of the note to Anderson, James Chestnut and Stephen Lee. Years afterwards Pryor told the story of the council in a way to establish its dramatic significance. But would there be anything strange if a veteran survivor, looking back to his youth, as all of us do through more or less of mirage, yielded to the unconscious artist that is in us all and dramatized this event unaware?

were built before the middle of the century and all, with one exception, show the classical taste of those days. The mariner, entering the spacious inner sea that is Charleston Harbor, sights this row of stately mansions even before he crosses the bar seven miles distant. Holding straight onward up into the land he heads first for the famous little island where, nowadays, in their halo of thrilling recollection, the walls of Sumter, rising sheer from the bosom of the water, drowse idle. Close under the lee of Sumter, the incoming steersman brings his ship about and chooses, probably, the eastward of two huge tentacles of the sea between which lies the city's long but narrow peninsula. To the steersman it shows a skyline serrated by steeples, fronted by sea, flanked southward by sea, backgrounded by an estuary, and looped about by a sickle of wooded islands.

This same scene, so far as city and nature go, was beheld by the crowds that swarmed East Battery, a flagstone marine parade along the seaward side of the boulevard that faces Sumter; that filled the windows and even the housetops; that watched the bombardment with the eagerness of an audience in an amphitheater; that applauded every telling shot with clapping of hands and



waving of shawls and handkerchiefs. The fort lay distant from them about three miles, but only some fifteen hundred yards from Fort Johnson on one side and about a mile from Fort Moultrie on the other. From both of these latter, the cannon of those days were equal to the task of harassing Sumter. Early in the morning of the 12th of April, though not until broad day had come, did Anderson make reply. All that day, at first under heavily rolling cloud and later through curiously misty sunshine, the fire and counterfire continued. "The enthusiasm and fearlessness of the spectators," says the *Charleston Mercury*, "knew no bounds." Reckless observers even put out in small boats and roamed about the harbor almost under the guns of the fort. Outside the bar, vessels of the relieving squadron were now visible, and to these Anderson signaled for aid. They made an attempt to reach the fort, but only part of the squadron had arrived, and the vessels necessary to raise the siege were not there. The attempt ended in failure. When night came, a string of rowboats each carrying a huge torch kept watch along the bar to guard against surprise from the sea.

On that Friday night the harbor was swept by



storm. But in spite of torrents of rain East Battery and the rooftops were thronged. "The wind was inshore and the booming was startlingly distinct." At the height of the bombardment, the sky above Sumter seemed to be filled with the flashes of bursting shells. But during this wild night Sumter itself was both dark and silent. Its casements did not have adequate lamps and the guns could not be used except by day. When morning broke, clear and bright after the night's storm, the duel was resumed.

The walls of Sumter were now crumbling. At eight o'clock Saturday morning the barracks took fire. Soon after it was perceived from the shore that the flag was down. Beauregard at once sent offers of assistance. With Sumter in flames above his head, Anderson replied that he had not surrendered; he declined assistance; and he hauled up his flag. Later in the day the flagstaff was shot in two and again the flag fell, and again it was raised. Flames had been kindled anew by red-hot shot, and now the magazine was in danger. Quantities of powder were thrown into the sea. Still the rain of red-hot shot continued. About noon, Saturday, says the *Courier*, "flames burst out from every quarter of Sumter and poured from many

of its portholes . . . the wind was from the west driving the smoke across the fort into the embrasures where the gunners were at work." Nevertheless, "as if served with a new impulse," the guns of Sumter redoubled their fire. But it was not in human endurance to keep on in the midst of the burning fort. This splendid last effort was short. At a quarter after one, Anderson ceased firing and raised a white flag. Negotiations followed ending in terms of surrender — Anderson to be allowed to remove his garrison to the fleet lying idle beyond the bar and to salute the flag of the United States before taking it down. The bombardment had lasted thirty-two hours without a death on either side. The evacuation of the fort was to take place next day.

The afternoon of Sunday, the 14th of April, was a gala day in the harbor of Charleston. The sunlight slanted across the roofs of the city, sparkled upon the sea. Deep and rich the harbor always looks in the spring sunshine on bright afternoons. The filmy atmosphere of these latitudes, at that time of year, makes the sky above the darkling, afternoon sea a pale but luminous turquoise. There is a wonderful soft strength in the peaceful brightness of the sun. In such an atmosphere the

harbor was flecked with brilliantly decked craft of every description, all in a flutter of flags and carrying a host of passengers in gala dress. The city swarmed across the water to witness the ceremony of evacuation. Wherry men did a thriving business carrying passengers to the fort.

Anderson withdrew from Sumter shortly after two o'clock amid a salute of fifty guns. The Confederates took possession. At half after four a new flag was raised above the battered and fire-swept walls.

## CHAPTER II

### THE DAVIS GOVERNMENT

It has never been explained why Jefferson Davis was chosen President of the Confederacy. He did not seek the office and did not wish it. He dreamed of high military command. As a study in the irony of fate, Davis's career is made to the hand of the dramatist. An instinctive soldier, he was driven by circumstances three times to renounce the profession of arms for a less congenial civilian life. His final renunciation, which proved to be of the nature of tragedy, was his acceptance of the office of President. Indeed, why the office was given to him seems a mystery. Rhett was a more logical candidate. And when Rhett, early in the lobbying at Montgomery, was set aside as too much of a radical, Toombs seemed for a time the certain choice of the majority. The change to Davis came suddenly at the last moment. It was puzzling at the time; it is puzzling still.

Rhett, though doubtless bitterly disappointed, bore himself with the *savoir faire* of a great gentleman. At the inauguration, it was on Rhett's arm that Davis leaned as he entered the hall of the Confederate Congress. The night before, in a public address, Yancey had said that the man and the hour were met. The story of the Confederacy is filled with dramatic moments, but to the thoughtful observer few are more dramatic than the conjunction of these three men in the inauguration of the Confederate President. Beneath a surface of apparent unanimity they carried, like concealed weapons, points of view that were in deadly antagonism. This antagonism had not revealed itself hitherto. It was destined to reveal itself almost immediately. It went so deep and spread so far that unless we understand it, the Confederate story will be unintelligible.

A strange fatality destined all three of these great men to despair. Yancey, who was perhaps most directly answerable of the three for the existence of the Confederacy, lost influence almost from the moment when his dream became established. Davis was partly responsible, for he promptly sent him out of the country on the bootless English mission. Thereafter, until his death in 1863,

Yancey was a waning, overshadowed figure, steadily lapsing into the background. It may be that those critics are right who say he was only an agitator. The day of the mere agitator was gone. Yancey passed rapidly into futile but bitter antagonism to Davis. In this attitude he was soon to be matched by Rhett.

The discontent of the Rhett faction because their leader was not given the portfolio of the State Department found immediate voice. But the conclusion drawn by some that Rhett's subsequent course sprang from personal vindictiveness is trifling. He was too large a personality, too well defined an intellect, to be thus explained. Very probably Davis made his first great blunder in failing to propitiate the Rhett faction. And yet few things are more certain than that the two men, the two factions which they symbolized, could not have formed a permanent alliance. Had Rhett entered the Cabinet he could not have remained in it consistently for any considerable time. The measures in which, presently, the Administration showed its hand were measures in which Rhett could not acquiesce. From the start he was predestined to his eventual position — the great, unavailing genius of the opposition.

As to the comparative ignoring of these leaders of secession by the Government which secession had created, it is often said that the explanation is to be found in a generous as well as politic desire to put in office the moderates and even the conservatives. Davis, relatively, was a moderate. Stephens was a conservative. Many of the most pronounced opponents of secession were given places in the public service. Toombs, who received the portfolio of State, though a secessionist, was conspicuously a moderate when compared with Rhett and Yancey. The adroit Benjamin, who became Attorney-General, had few points in common with the great extremists of Alabama and South Carolina.

However, the dictum that the personnel of the new Government was a triumph for conservatism over radicalism signifies little. There was a division among Southerners which scarcely any of them had realized except briefly in the premature battle over secession in 1851. It was the division between those who were conscious of the region as a whole and those who were not. Explain it as you will, there was a moment just after the secession movement succeeded when the South seemed to realize itself as a whole, when it turned intuitively to those

men who, as time was to demonstrate, shared this realization. For the moment it turned away from those others, however great their part in secession, who lacked this sense of unity.

At this point, geography becomes essential. The South fell, institutionally, into two grand divisions: one, with an old and firmly established social order, where consciousness of the locality went back to remote times; another, newly settled, where conditions were still fluid, where that sense of the sacredness of local institutions had not yet formed.

A typical community of the first-named class was South Carolina. Her people had to a remarkable degree been rendered state-conscious partly by their geographical neighbors, and partly by their long and illustrious history, which had been interwoven with great European interests during the colonial era and with great national interests under the Republic. It is possible also that the Huguenots, though few in numbers, had exercised upon the State a subtle and pervasive influence through their intellectual power and their Latin sense for institutions.

In South Carolina, too, a wealthy leisure class with a passion for affairs had cultivated enthusi-



astically that fine art which is the pride of all aristocratic societies, the service of the State as a profession high and exclusive, free from vulgar taint. In South Carolina all things conspired to uphold and strengthen the sense of the State as an object of veneration, as something over and above the mere social order, as the sacred embodiment of the ideals of the community. Thus it is fair to say that what has animated the heroic little countries of the Old World — Switzerland and Serbia and ever-glorious Belgium — with their passion to remain themselves, animated South Carolina in 1861. Just as Serbia was willing to fight to the death rather than merge her identity in the mosaic of the Austrian Empire, so this little American community saw nothing of happiness in any future that did not secure its virtual independence.

Typical of the newer order in the South was the community that formed the President of the Confederacy. In the history of Mississippi previous to the war there are six great names — Jacob Thompson, John A. Quitman, Henry S. Foote, Robert J. Walker, Sergeant S. Prentiss, and Jefferson Davis. Not one of them was born in the State. Thompson was born in North Carolina; Quitman in New York; Foote in Virginia; Walker in Pennsylvania;

Prentiss in Maine; Davis in Kentucky. In 1861 the State was but forty-four years old, younger than its most illustrious sons — if the paradox may be permitted. How could they think of it as an entity existing in itself, antedating not only themselves but their traditions, circumscribing them with its all-embracing, indisputable reality? These men spoke the language of state rights. It is true that in politics, combating the North, they used the political philosophy taught them by South Carolina. But it was a mental weapon in political debate; it was not for them an emotional fact.

And yet these men of the Southwest had an ideal of their own as vivid and as binding as the state ideal of the men of the eastern coast. Though half their leaders were born in the North, the people themselves were overwhelmingly Southern. From all the older States, all round the huge crescent which swung around from Kentucky coastwise to Florida, immigration in the twenties and thirties had poured into Mississippi. Consequently the new community presented a composite picture of the whole South, and like all composite pictures it emphasized only the factors common to all its parts. What all the South had in common, what made a man a Southerner in the general sense —

in distinction from a Northerner on the one hand, or a Virginian, Carolinian, Georgian, on the other — could have been observed with clearness in Mississippi, just before the war, as nowhere else. Therefore, the fulfillment of the ideal of Southern life in general terms was the vision of things hoped for by the new men of the Southwest. The features of that vision were common to them all — country life, broad acres, generous hospitality, an aristocratic system. The temperaments of these men were sufficiently buoyant to enable them to apprehend this ideal even before it had materialized. Their romantic minds could see the gold at the end of the rainbow. Theirs was not the pride of administering a well-ordered, inherited system, but the joy of building a new system, in their minds wholly elastic, to be sure, but still inspired by that old system.

What may be called the sense of Southern nationality as opposed to the sense of state rights, strictly speaking, distinguished this brilliant young community of the Southwest. In that community Davis spent the years that appear to have been the most impressionable of his life. Belonging to a “new” family just emerging into wealth, he began life as a West Pointer and saw gallant service as a

youth on the frontier; resigned from the army to pursue a romantic attachment; came home to lead the life of a wealthy planter and receive the impress of Mississippi; made his entry into politics, still a soldier at heart, with the philosophy of state rights on his lips, but in his heart that sense of the Southern people as a new nation, which needed only the occasion to make it the relentless enemy of the rights of the individual Southern States. Add together the instinctive military point of view and this Southern nationalism that even in 1861 had scarcely revealed itself; join with these a fearless and haughty spirit, proud to the verge of arrogance, but perfectly devoted, perfectly sincere; and you have the main lines of the political character of Davis when he became President. It may be that as he went forward in his great undertaking, as antagonisms developed, as Rhett and others turned against him, Davis hardened. He lost whatever comprehension he once had of the Rhett type. Seeking to weld into one irresistible unit all the military power of the South, he became at last in the eyes of his opponents a monster, while to him, more and more positively, the others became mere dreamers.

It took about a year for this irrepressible

conflict within the Confederacy to reveal itself. During the twelve months following Davis's election as provisional President, he dominated the situation, though the Charleston *Mercury*, the Rhett organ, found opportunities to be sharply critical of the President. He assembled armies; he initiated heroic efforts to make up for the handicap of the South in the manufacture of munitions and succeeded in starting a number of munition plants; though powerless to prevent the establishment of the blockade, he was able during that first year to keep in touch with Europe, to start out Confederate privateers upon the high seas, and to import a considerable quantity of arms and supplies. At the close of the year the Confederate armies were approaching general efficiency, for all their enormous handicap, almost if not quite as rapidly as were the Union armies. And the one great event of the year on land, the first battle of Manassas, or Bull Run, was a signal Confederate victory.

To be sure Davis was severely criticized in some quarters for not adopting an aggressive policy. The Confederate Government, whether wisely or foolishly, had not taken the people into its confidence and the lack of munitions was not generally

appreciated. The easy popular cries were all sounded: "We are standing still!" "The country is being invaded!" "The President is a do-nothing!" From the coast regions especially, where the blockade was felt in all its severity, the outcry was loud.

Nevertheless, the South in the main was content with the Administration during most of the first year. In November, when the general elections were held, Davis was chosen without opposition as the first regular Confederate President for six years, and Stephens became the Vice-President. The election was followed by an important change in the Southern Cabinet. Benjamin became Secretary of War, in succession to the first War Secretary, Leroy P. Walker. Toombs had already left the Confederate Cabinet. Complaining that Davis degraded him to the level of a mere clerk, he had withdrawn the previous July. His successor in the State Department was R. M. T. Hunter of Virginia, who remained in office until February, 1862, when his removal to the Confederate Senate opened the way for a further advancement of Benjamin.

Richmond, which had been designated as the capital soon after the secession of Virginia, was the

scene of the inauguration, on February 22, 1862. Although the weather proved bleak and rainy, an immense crowd gathered around the Washington monument, in Capitol Square, to listen to the inaugural address. By this time the confidence in the Government, which was felt generally at the time of the election, had suffered a shock. Foreign affairs were not progressing satisfactorily. Though England had accorded to the Confederacy the status of a belligerent, this was poor consolation for her refusal to make full recognition of the new Government as an independent power. Dread of internal distress was increasing. Gold commanded a premium of fifty per cent. Disorder was a feature of the life in the cities. It was known that several recent military events had been victories for the Federals. A rumor was abroad that some great disaster had taken place in Tennessee. The crowd listened anxiously to hear the rumor denied by the President. But it was not denied. The tense listeners noted two sentences which formed an admission that the situation was grave: "A million men, it is estimated, are now standing in hostile array and waging war along a frontier of thousands of miles. Battles have been fought, sieges have been conducted, and although the



contest is not ended, and the tide for the moment is against us, the final result in our favor is not doubtful."

Behind these carefully guarded words lay serious alarm, not only with regard to the operations at the front but as to the composition of the army. It had been raised under various laws and its portions were subject to conflicting classifications; it was partly a group of state armies, partly a single Confederate army. None of its members had enlisted for long terms. Many enlistments would expire early in 1862. The fears of the Confederate Administration with regard to this matter, together with its alarm about the events at the front, were expressed by Davis in a frank message to the Southern Congress, three days later. "I have hoped," said he, "for several days to receive official reports in relation to our discomfiture at Roanoke Island and the fall of Fort Donelson. They have not yet reached me. . . . The hope is still entertained that our reported losses at Fort Donelson have been greatly exaggerated. . . ." He went on to condemn the policy of enlistments for short terms, "against which," said he, "I have steadily contended"; and he enlarged upon the danger that even patriotic men, who intended to reënlist, might



go home to put their affairs in order and that thus, at a critical moment, the army might be seriously reduced. The accompanying report of the Confederate Secretary of War showed a total in the army of 340,250 men. This was an inadequate force with which to meet the great hosts which were being organized against it in the North. To permit the slightest reduction of the army at that moment seemed to the Southern President suicidal.

But Davis waited some time longer before proposing to the Confederate Congress the adoption of conscription. Meanwhile, the details of two great reverses, the loss of Roanoke Island and the loss of Fort Donelson, became generally known. Apprehension gathered strength. Newspapers began to discuss conscription as something inevitable. At last, on March 28, 1862, Davis sent a message to the Confederate Congress advising the conscription of all white males between the ages of eighteen and thirty-five. For this suggestion Congress was ripe, and the first Conscription Act of the Confederacy was signed by the President on the 16th of April. The age of eligibility was fixed as Davis had advised; the term of service was to be three years; every one then in service was to be retained

in service during three years from the date of his original enlistment.

This statute may be thought of as a great victory on the part of the Administration. It was the climax of a policy of centralization in the military establishment to which Davis had committed himself by the veto, in January, of "A bill to authorize the Secretary of War to receive into the service of the Confederate States a regiment of volunteers for the protection of the frontier of Texas." This regiment was to be under the control of the Governor of the State. In refusing to accept such troops, Davis laid down the main proposition upon which he stood as military executive to the end of the war, a proposition which immediately set debate raging: "Unity and co-operation by the troops of all the States are indispensable to success, and I must view with regret this as well as all other indications of a purpose to divide the power of States by dividing the means to be employed in efforts to carry on separate operations."

In these military measures of the early months of 1862 Davis's purpose became clear. He was bent upon instituting a strong government, able to push the war through, and careless of the niceties

of constitutional law or of the exact prerogatives of the States. His position was expressed in the course of the year by a Virginia newspaper: "It will be time enough to distract the councils of the State about imaginary violations of constitutional law by the supreme government when our independence is achieved, established, and acknowledged. It will not be until then that the sovereignty of the States will be a reality." But there were many Southerners who could not accept this point of view. The *Mercury* was sharply critical of the veto of the Texas Regiment Bill. In the interval between the Texas veto and the passing of the Conscription Act, the state convention of North Carolina demanded the return of North Carolina volunteers for the defense of their own State. No sooner was the Conscription Act passed than its constitutionality was attacked. As the Confederacy had no Supreme Court, the question came up before state courts. One after another, several state supreme courts pronounced the act constitutional and in most of the States the constitutional issue was gradually allowed to lapse.

Nevertheless, Davis had opened Pandora's box. The clash between State and Confederate authority had begun. An opposition party began to

form. In this first stage of its definite existence, the opposition made an interesting attempt to control the Cabinet. Secretary Benjamin, though greatly trusted by the President, seems never to have been a popular minister. Congress attempted to load upon Benjamin the blame for Roanoke Island and Fort Donelson. In the House a motion was introduced to the effect that Benjamin had "not the confidence of the people of the Confederate States nor of the army . . . and that we most respectfully request his retirement" from the office of Secretary of War. Friends of the Administration tabled the motion. Davis extricated his friend by taking advantage of Hunter's retirement and promoting Benjamin to the State Department. A month later a congressional committee appointed to investigate the affair of Roanoke Island exonerated the officer in command and laid the blame on his superiors, including "the late Secretary of War."

With Benjamin safe in the Department of State, with the majority in the Confederate Congress still fairly manageable, with the Conscription Act in force, Davis seemed to be strong enough in the spring of 1862 to ignore the gathering opposition. And yet there was another measure, second only

in the President's eyes to the Conscription Act, that was to breed trouble. This was the first of the series of acts empowering him to suspend the privilege of the writ of *habeas corpus*. Under this act he was permitted to set up martial law in any district threatened with invasion. The cause of this drastic measure was the confusion and the general demoralization that existed wherever the close approach of the enemy created a situation too complex for the ordinary civil authorities. Davis made use of the power thus given to him and proclaimed martial law in Richmond, in Norfolk, in parts of South Carolina, and elsewhere. It was on Richmond that the hand of the Administration fell heaviest. The capital was the center of a great camp; its sudden and vast increase in population had been the signal for all the criminal class near and far to hurry thither in the hope of a new field of spoliation; to deal with this immense human congestion, the local police were powerless; every variety of abominable contrivance to entrap and debauch men for a price was in brazen operation. The first care of the Government under the new law was the cleansing of the capital. General John H. Winder, appointed military governor, did the job with thoroughness. He closed the

barrooms, disarmed the populace, and for the time at least swept the city clean of criminals. The Administration also made certain political arrests, and even imprisoned some extreme opponents of the Government for "offenses not enumerated and not cognizable under the regular process of law." Such arrests gave the enemies of the Administration another handle against it. As we shall see later, the use that Davis made of martial law was distorted by a thousand fault-finders and was made the basis of the charge that the President was aiming at absolute power.

At the moment, however, Davis was master of the situation. The six months following April 1, 1862, were doubtless, from his own point of view, the most satisfactory part of his career as Confederate President. These months were indeed filled with peril. There was a time when McClellan's advance up the Peninsula appeared so threatening that the archives of the Government were packed on railway cars prepared for immediate removal should evacuation be necessary. There were the other great disasters during that year, including the loss of New Orleans. The President himself experienced a profound personal sorrow in the death of his friend, Albert Sidney

Johnston, in the bloody fight at Shiloh. It was in the midst of this time that tried men's souls that the Richmond *Examiner* achieved an unenvied immortality for one of its articles on the Administration. At a moment when nothing should have been said to discredit in any way the struggling Government, it described Davis as weak with fear telling his beads in a corner of St. Paul's Church. This paper, along with the Charleston *Mercury*, led the Opposition. Throughout Confederate history these two, which were very ably edited, did the thinking for the enemies of Davis. We shall meet them time and again.

A true picture of Davis would have shown the President resolute and resourceful, at perhaps the height of his powers. He recruited and supplied the armies; he fortified Richmond; he sustained the great captain whom he had placed in command while McClellan was at the gates. When the tide had turned and the Army of the Potomac sullenly withdrew, baffled, there occurred the one brief space in Confederate history that was pure sunshine. In this period took place the splendid victory of Second Manassas. The strong military policy of the Administration had given the Confederacy powerful armies. Lee had inspired them



with victory. This period of buoyant hope culminated in the great offensive design which followed Second Manassas. It was known that the Northern people, or a large part of them, had suffered a reaction; the tide was setting strong against the Lincoln Government; in the autumn, the Northern elections would be held. To influence those elections and at the same time to drive the Northern armies back into their own section; to draw Maryland and Kentucky into the Confederate States; to fall upon the invaders in the Southwest and recover the lower Mississippi — to accomplish all these results was the confident expectation of the President and his advisers as they planned their great triple offensive in August, 1862. Lee was to invade Maryland; Bragg was to invade Kentucky; Van Dorn was to break the hold of the Federals in the Southwest. If there is one moment that is to be considered the climax of Davis's career, the high-water mark of Confederate hope, it was the moment of joyous expectation when the triple offensive was launched, when Lee's army, on a brilliant autumn day, crossed the Potomac, singing *Maryland, my Maryland*.



## CHAPTER III

### THE FALL OF KING COTTON

WHILE the Confederate Executive was building up its military establishment, the Treasury was struggling with the problem of paying for it. The problem was destined to become insoluble. From the vantage-point of a later time we can now see that nothing could have provided a solution short of appropriation and mobilization of the whole industrial power of the country along with the whole military power — a conscription of wealth of every kind together with conscription of men. But in 1862 such an idea was too advanced for any group of Americans. Nor, in that year, was there as yet any certain evidence that the Treasury was facing an impossible situation. Its endeavors were taken lightly — at first, almost gaily — because of the profound illusion which permeated Southern thought that Cotton was King.

Obviously, if the Southern ports could be kept open and cotton could continue to go to market, the Confederate financial problem was not serious. When Davis, soon after his first inauguration, sent Yancey, Rost, and Mann as commissioners to Europe to press the claims of the Confederacy for recognition, very few Southerners had any doubt that the blockade would be short-lived. "Cotton is King" was the answer that silenced all questions. Without American cotton the English mills would have to shut down; the operatives would starve; famine and discontent would between them force the British ministry to intervene in American affairs. There were, indeed, a few far-sighted men who perceived that this confidence was ill-based and that cotton, though it was a power in the financial world, was not the commercial king. The majority of the population, however, had to learn this truth from keen experience.

Several events of 1861 for a time seemed to confirm this illusion. The Queen's proclamation in the spring, giving the Confederacy the status of a belligerent, and, in the autumn, the demand by the British Government for the surrender of the commissioners, Mason and Slidell, who had been taken from a British packet by a Union cruiser —

both these events seemed to indicate active British sympathy. In England, to be sure, Yancey became disillusioned. He saw that the international situation was not so simple as it seemed; that while the South had powerful friends abroad, it also had powerful foes; that the British anti-slavery party was a more formidable enemy than he had expected it to be; and that intervention was not a foregone conclusion. The task of an unrecognized ambassador being too annoying for him, Yancey was relieved at his own request and Mason was sent out to take his place. A singular little incident like a dismal prophecy occurred as Yancey was on his way home. He passed through Havana early in 1862, when the news of the surrender of Fort Donelson had begun to stagger the hopes and impair the prestige of the Confederates. By the advice of the Confederate agent in Cuba, Yancey did not call on the Spanish Governor but sent him word that "delicacy alone prompted his departure without the gratification of a personal interview." The Governor expressed himself as "exceedingly grateful for the noble sentiment which prevented" Yancey from causing international complications at Havana.

The history of the first year of Confederate

foreign affairs is interwoven with the history of Confederate finance. During that year the South became a great buyer in Europe. Arms, powder, cloth, machinery, medicines, ships, a thousand things, had all to be bought abroad. To establish the foreign credit of the new Government was the arduous task of the Confederate Secretary of the Treasury, Christopher G. Memminger. The first great campaign of the war was not fought by armies. It was a commercial campaign fought by agents of the Federal and Confederate governments and having for its aim the cornering of the munitions market in Europe. In this campaign the Federal agents had decisive advantages: their credit was never questioned, and their enormous purchases were never doubtful ventures for the European sellers. In some cases their superior credit enabled them to overbid the Confederate agents and to appropriate large contracts which the Confederates had negotiated but which they could not hold because of the precariousness of their credit. And yet, all things considered, the Confederate agents made a good showing. In the report of the Secretary of War in February, 1862, the number of rifles contracted for abroad was put at 91,000, of which 15,000 had been delivered.

The chief reliance of the Confederate Treasury for its purchases abroad was at first the specie in the Southern branch of the United States Mint and in Southern banks. The former the Confederacy seized and converted to its own use. Of the latter it lured into its own hands a very large proportion by what is commonly called "the fifteen million loan" — an issue of eight per cent bonds authorized in February, 1861. Most of this specie seems to have been taken out of the country by the purchase of European commodities. A little, to be sure, remained, for there was some gold still at home when the Confederacy fell. But the sum was small.

In addition to this loan Memminger also persuaded Congress on August 19, 1861, to lay a direct tax — the "war tax," as it was called — of one-half of one per cent on all property except Confederate bonds and money. As required by the Constitution this tax was apportioned among the States, but if it assumed its assessment before April 1, 1862, each State was to have a reduction of ten per cent. As there was a general aversion to the idea of Confederate taxation and a general faith in loans, what the States did, as a rule, was to assume their assessment, agree to pay it into

the Treasury, and then issue bonds to raise the necessary funds, thus converting the war tax into a loan.

The Confederate, like the Union, Treasury did not have the courage to force the issue upon taxation and leaned throughout the war largely upon loans. It also had recourse to the perilous device of paper money, the gold value of which was not guaranteed. Beginning in March, 1861, it issued under successive laws great quantities of paper notes, some of them interest bearing, some not. It used these notes in payment of its domestic obligations. The purchasing value of the notes soon started on a disastrous downward course, and in 1864 the gold dollar was worth thirty paper dollars. The Confederate Government thus became involved in a problem of self-preservation that was but half solved by the system of tithes and impressment which we shall encounter later. The depreciation of these notes left governmental clerks without adequate salaries and soldiers without the means of providing for their families. During most of the war, women and other non-combatants had to support the families or else rely upon local charity organized by state or county boards.

Long before all the evils of paper money were experienced, the North, with great swiftness, concentrated its naval forces so as to dominate the Southern ports which had trade relations with Europe. The shipping ports were at once congested with cotton to the great embarrassment of merchants and planters. Partly to relieve them, the Confederate Congress instituted in May, 1861, what is known today as "the hundred million loan." It was the first of a series of "produce loans." The Treasury was authorized to issue eight per cent bonds, to fall due in twenty years, and to sell them for specie or to exchange them for produce or manufactured articles. In the course of the remaining months of 1861 there were exchanged for these bonds great quantities of produce including some 400,000 bales of cotton.

In spite of the distress of the planters, however, the illusion of King Cotton's power does not seem to have been seriously impaired during 1861. In fact, strange as it now seems, the frame of mind of the leaders appears to have been proof, that year, against alarm over the blockade. For two reasons, the Confederacy regarded the blockade at first as a blessing in disguise. It was counted on to act as a protective tariff in stimulating manufactures;



and at the same time the South expected interruption of the flow of cotton towards Europe to make England feel her dependence upon the Confederacy. In this way there would be exerted an economic coercion which would compel intervention. Such reasoning lay behind a law passed in May forbidding the export of cotton except through the seaports of the Confederacy. Similar laws were enacted by the States. During the summer, many cotton factors joined in advising the planters to hold their cotton until the blockade broke down. In the autumn, the Governor of Louisiana forbade the export of cotton from New Orleans. So unshakeable was the illusion in 1861, that King Cotton had England in his grip! The illusion died hard. Throughout 1862, and even in 1863, the newspapers published appeals to the planters to give up growing cotton for a time, and even to destroy what they had, so as to coerce the obdurate Englishmen.

Meanwhile, Mason had been accorded by the British upper classes that generous welcome which they have always extended to the representative of a people fighting gallantly against odds. During the hopeful days of 1862 — that Golden Age of Confederacy — Mason, though not recognized by



the English Government, was shown every kindness by leading members of the aristocracy, who visited him in London and received him at their houses in the country. It was during this period of buoyant hope that the *Alabama* was allowed to go to sea from Liverpool in July, 1862. At the same time Mason heard his hosts express undisguised admiration for the valor of the soldiers serving under Jackson and Lee. Whether he formed any true impression of the other side of British idealism, its resolute opposition to slavery, may be questioned. There seems little doubt that he did not perceive the turning of the tide of English public opinion, in the autumn of 1862, following the Emancipation Proclamation and the great reverses of September and October — Antietam, Sharpsburg, Perryville, Corinth — the backflow of all three of the Confederate offensives.

The cotton famine in England, where perhaps a million people were in actual want through the shutting down of cotton mills, seemed to Mason to be “looming up in fearful proportions.” “The public mind,” he wrote home in November, 1862, “is very much disturbed by the prospect for the winter; and I am not without hope that it will produce its effects on the councils of the government.”

Yet it was the uprising of the British working people in favor of the North that contributed to defeat the one important attempt to intervene in American affairs. Napoleon III had made an offer of mediation which was rejected by the Washington Government early the next year. England and Russia had both declined to participate in Napoleon's scheme, and their refusal marks the beginning of the end of the reign of King Cotton.

At Paris, Slidell was even more hopeful than Mason. He had won over Émile Erlanger, that great banker who was deep in the confidence of Napoleon. So cordial became the relations between the two that it involved their families and led at last to the marriage of Erlanger's son with Slidell's daughter. Whether owing to Slidell's eloquence, or from secret knowledge of the Emperor's designs, or from his own audacity, Erlanger toward the close of 1862 made a proposal that is one of the most daring schemes of financial plunging yet recorded. If the Confederate Government would issue to him bonds secured by cotton, Erlanger would underwrite the bonds, put the proceeds of their sale to the credit of the Confederate agents, and wait for the cotton until it

could run the blockade or until peace should be declared. The Confederate Government after some hesitation accepted his plan and issued fifteen millions of "Erlanger bonds," bearing seven per cent, and put them on sale at Paris, London, Amsterdam, and Frankfort.

As a purchaser of these bonds was to be given cotton eventually at a valuation of sixpence a pound, and as cotton was then selling in England for nearly two shillings, the bold gamble caught the fancy of speculators. There was a rush to take up the bonds and to pay the first installment. But before the second installment became due a mysterious change in the market took place and the price of the bonds fell. Holders became alarmed and some even proposed to forfeit their bonds rather than pay on May 1, 1863, the next installment of fifteen per cent of the purchase money. Thereupon Mason undertook to "bull" the market. Agents of the United States Government were supposed to be at the bottom of the drop in the bonds. To defeat their schemes the Confederate agents bought back large amounts in bonds intending to resell. The result was the expenditure of some six million dollars with practically no effect on the market. These "Erlanger bonds"

sold slowly through 1863 and even in 1864, and netted a considerable amount to the foreign agents of the Confederacy.

The comparative failure of the Erlanger loan marks the downfall of King Cotton. He was an exploded superstition. He was unable, despite the cotton famine, to coerce the English workingmen into siding with a country which they regarded, because of its support of slavery, as inimical to their interests. At home, the Government confessed the powerlessness of King Cotton by a change of its attitude toward export. During the latter part of the war, the Government secured the meager funds at its disposal abroad by rushing cotton in swift ships through the blockade. So important did this traffic become that the Confederacy passed stringent laws to keep the control in its own hands. One more cause of friction between the Confederate and the State authorities was thus developed: the Confederate navigation laws prevented the States from running the blockade on their own account.

The effects of the blockade were felt at the ends of the earth. India became an exporter of cotton. Egypt also entered the competition. That singular dreamer, Ismail Pasha, whose reign made

Egypt briefly an exotic nation, neither eastern nor western, found one of his opportunities in the American War and the failure of the cotton supply.

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## CHAPTER IV

### THE REACTION AGAINST RICHMOND

A POPULAR revulsion of feeling preceded and followed the great period of Confederate history — these six months of Titanic effort which embraced between March and September, 1862, splendid success along with catastrophes. But there was a marked difference between the two tides of popular emotion. The wave of alarm which swept over the South after the surrender of Fort Donelson was quickly translated into such a high passion for battle that the march of events until the day of Antietam resounded like an epic. The failure of the triple offensive which closed this period was followed in very many minds by the appearance of a new temper, often as valiant as the old but far more grim and deeply seamed with distrust. And how is this distrust, of which the Confederate Administration was the object, to be accounted for?

Various answers to this question were made at

the time. The laws of the spring of 1862 were attacked as unconstitutional. Davis was held responsible for them and also for the slow equipment of the army. Because the Confederate Congress conducted much of its business in secret session, the President was charged with a love of mystery and an unwillingness to take the people into his confidence. Arrests under the law suspending the writ of *habeas corpus* were made the texts for harangues on liberty. The right of freedom of speech was dragged in when General Van Dorn, in the Southwest, threatened with suppression any newspaper that published anything which might impair confidence in a commanding officer. How could he have dared to do this, was the cry, unless the President was behind him? And when General Bragg assumed a similar attitude toward the press, the same cry was raised. Throughout the summer of victories, even while the thrilling stories of Seven Pines, the Peninsula, Second Manassas, were sounding like trumpets, these mutterings of discontent formed an ominous accompaniment.

Yancey, speaking of the disturbed temper of the time, attributed it to the general lack of information on the part of Southern people as to what the

Confederate Government was doing. His proposed remedy was an end of the censorship which that Government was attempting to maintain, the abandonment of the secret sessions of its Congress, and the taking of the people into its full confidence. Now a Senator from Alabama, he attempted, at the opening of the congressional session in the autumn of 1862, to abolish secret sessions, but in his efforts he was not successful.

There seems little doubt that the Confederate Government had blundered in being too secretive. Even from Congress, much information was withheld. A curious incident has preserved what appeared to the military mind the justification of this reticence. The Secretary of War refused to comply with a request for information, holding that he could not do so "without disclosing the strength of our armies to many persons of subordinate position whose secrecy cannot be relied upon." "I beg leave to remind you," said he, "of a report made in response to a similar one from the Federal Congress, communicated to them in secret session, and now a part of our archives."

How much the country was in the dark with regard to some vital matters is revealed by an attack on the Confederate Administration which



was made by the Charleston *Mercury*, in February. The Southern Government was accused of unpardonable slowness in sending agents to Europe to purchase munitions. In point of fact, the Confederate Government had been more prompt than the Union Government in rushing agents abroad. But the country was not permitted to know this. Though the *Courier* was a government organ in Charleston, it did not meet the charges of the *Mercury* by disclosing the facts about the arduous attempts of the Confederate Government to secure arms in Europe. The reply of the *Courier* to the *Mercury*, though spirited, was all in general terms. "To shake confidence in Jefferson Davis," said the *Courier*, "is . . . to bring 'hideous ruin and combustion' down upon our dearest hopes and interests." It made "Mr. Davis and his defensive policy" objects of all admiration; called Davis "our Moses." It was deeply indignant because it had been "reliably informed that men of high official position among us" were "calling for a General Convention of the Confederate States to depose him and set up a military Dictator in his place." The *Mercury* retorted that, as to the plot against "our Moses," there was no evidence of its existence except the *Courier's* assertion.

Nevertheless, it considered Davis "an incubus to the cause." The controversy between the *Mercury* and the *Courier* at Charleston was paralleled at Richmond by the constant bickering between the government organ, the *Enquirer*, and the *Examiner*, which shares with the *Mercury* the first place among the newspapers hostile to Davis.<sup>1</sup>

Associated with the *Examiner* was a vigorous writer having considerable power of the old-fashioned, furious sort, ever ready to foam at the mouth. If he had had more restraint and less credulity, Edward A. Pollard might have become a master of the art of vituperation. Lacking these qualities, he never rose far above mediocrity. But his fury was so determined and his prejudice so invincible that his writings have something of the power of conviction which fanaticism wields. In midsummer, 1862, Pollard published a book entitled *The First Year of the War*, which was com-

<sup>1</sup> The Confederate Government did not misapprehend the attitude of the intellectual opposition. Its foreign organ, *The Index*, published in London, characterized the leading Southern papers for the enlightenment of the British public. While the *Enquirer* and the *Courier* were singled out as the great champions of the Confederate Government, the *Examiner* and the *Mercury* were portrayed as its arch enemies. The *Examiner* was called the "Ishmael of the Southern press." The *Mercury* was described as "almost rabid on the subject of state rights."

mended by his allies in Charleston as showing no "tendency toward unfairness of statement" and as expressing views "mainly in accordance with popular opinion."

This book, while affecting to be an historical review, was skillfully designed to discredit the Confederate Administration. Almost every disaster, every fault of its management was traceable more or less directly to Davis. Kentucky had been occupied by the Federal army because of the "dull expectation" in which the Confederate Government had stood aside waiting for things somehow to right themselves. The Southern Congress had been criminally slow in coming to conscription, contenting itself with an army of 400,000 men that existed "on paper." "The most distressing abuses were visible in the ill-regulated hygiene of our camps." According to this book, the Confederate Administration was solely to blame for the loss of Roanoke Island. In calling that disaster "deeply humiliating," as he did in a message to Congress, Davis was trying to shield his favorite Benjamin at the cost of gallant soldiers who had been sacrificed through his incapacity. Davis's promotion of Benjamin to the State Department was an act of "ungracious and reckless

defiance of popular sentiment." The President was "not the man to consult the sentiment and wisdom of the people; he desired to signalize the infallibility of his own intellect in every measure of the revolution and to identify, from motives of vanity, his own personal genius with every event and detail of the remarkable period of history in which he had been called upon to act. This imperious conceit seemed to swallow up every other idea in his mind." The generals "fretted under this pragmatism" of one whose "vanity" directed the war "from his cushioned seat in Richmond" by means of the one formula, "the defensive policy."

One of Pollard's chief accusations against the Confederate Government was its failure to enforce the conscription law. His paper, the *Examiner*, as well as the *Mercury*, supported Davis in the policy of conscription, but both did their best, first, to rob him of the credit for it and, secondly, to make his conduct of the policy appear inefficient. Pollard claimed for the *Examiner* the credit of having originated the policy of conscription; the *Mercury* claimed it for Rhett.

In other words, an aggressive war party led by the *Examiner* and the *Mercury* had been formed in

those early days when the Confederate Government appeared to be standing wholly on the defensive, and when it had failed to confide to the people the extenuating circumstance that lack of arms compelled it to stand still whether it would or no. And yet, after this Government had changed its policy and had taken up in the summer of 1862 an offensive policy, this party — or faction, or what you will — continued its career of opposition. That the secretive habit of the Confederate Government helped cement the opposition cannot be doubted. It is also likely that this opposition gave a vent to certain jealous spirits who had missed the first place in leadership.

Furthermore, the issue of state sovereignty had been raised. In Georgia a movement had begun which was distinctly different from the Virginia-Carolina movement of opposition, a movement for which Rhett and Pollard had scarcely more than disdainful tolerance, and not always that. This parallel opposition found vent, as did the other, in a political pamphlet. On the subject of conscription Davis and the Governor of Georgia — that same Joseph E. Brown who had seized Fort Pulaski in the previous year — exchanged a rancorous correspondence. Their letters were pub-

lished in a pamphlet of which Pollard said scornfully that it was hawked about in every city of the South. Brown, taking alarm at the power given the Confederate Government by the Conscription Act, eventually defined his position, and that of a large following, in the extreme words: "No act of the Government of the United States prior to the secession of Georgia struck a blow at constitutional liberty so fell as has been stricken by the conscript acts."

There were other elements of discontent which were taking form as early as the autumn of 1862 but which were not yet clearly defined. But the two obvious sources of internal criticism just described were enough to disquiet the most resolute administration. When the triple offensive broke down, when the ebb-tide began, there was already everything that was needed to precipitate a political crisis. And now the question arises whether the Confederate Administration had itself to blame. Had Davis proved inadequate in his great undertaking?

The one undeniable mistake of the Government previous to the autumn of 1862 was its excessive secrecy. As to the other mistakes attributed to it at the time, there is good reason to call them

misfortunes. Today we can see that the financial situation, the cotton situation, the relations with Europe, the problem of equipping the armies, were all to a considerable degree beyond the control of the Confederate Government. If there is anything to be added to its mistaken secrecy as a definite cause of irritation, it must be found in the general tone given to its actions by its chief directors. And here there is something to be said.

With all his high qualities of integrity, courage, faithfulness, and zeal, Davis lacked that insight into human life which marks the genius of the supreme executive. He was not an artist in the use of men. He had not that artistic sense of his medium which distinguishes the statesman from the bureaucrat. In fact, he had a dangerous bent toward bureaucracy. As Reuben Davis said of him, "Gifted with some of the highest attributes of a statesman, he lacked the pliancy which enables a man to adapt his measures to the crisis." Furthermore, he lacked humor; there was no safety-valve to his intense nature; and he was a man of delicate health. Mrs. Davis, describing the effects which nervous dyspepsia and neuralgia had upon him, says he would come home from his office "fasting, a mere mass of throbbing nerves, and



perfectly exhausted." And it cannot be denied that his mind was dogmatic. Here are dangerous lines for the character of a leader of revolution — the bureaucratic tendency, something of rigidity, lack of humor, physical wretchedness, dogmatism. Taken together, they go far toward explaining his failure in judging men, his irritable confidence in himself.

It is no slight detail of a man's career to be placed side by side with a genius of the first rank without knowing it. But Davis does not seem ever to have appreciated that the man commanding in the Seven Days' Battles was one of the world's supreme characters. The relation between Davis and Lee was always cordial, and it brought out Davis's character in its best light. Nevertheless, so rooted was Davis's faith in his own abilities that he was capable of saying, at a moment of acutest anxiety, "If I could take one wing and Lee the other, I think we could between us wrest a victory from those people." And yet, his military experience embraced only the minor actions of a young officer on the Indian frontier and the gallant conduct of a subordinate in the Mexican War. He had never executed a great military design. His desire for the military life was, after all, his



only ground for ranking himself with the victor of Second Manassas. Davis was also unfortunate in lacking the power to overcome men and sweep them along with him — the power Lee showed so conspicuously. Nor was Davis averse to sharp reproof of the highest officials when he thought them in the wrong. He once wrote to Joseph E. Johnston that a letter of his contained “arguments and statements utterly unfounded” and “insinuations as unfounded as they were unbecoming.”

Davis was not always wise in his choice of men. His confidence in Bragg, who was long his chief military adviser, is not sustained by the military critics of a later age. His Cabinet, though not the contemptible body caricatured by the malice of Pollard, was not equal to the occasion. Of the three men who held the office of Secretary of State, Toombs and Hunter had little if any qualification for such a post, while the third, Benjamin, is the sphinx of Confederate history.

In a way, Judah P. Benjamin is one of the most interesting men in American politics. By descent a Jew, born in the West Indies, he spent his boyhood mainly at Charleston and his college days at Yale. He went to New Orleans to begin his illustrious career as a lawyer, and from Louisiana

entered politics. The facile keenness of his intellect is beyond dispute. He had the Jewish clarity of thought, the wonderful Jewish detachment in matters of pure mind. But he was also an American of the middle of the century. His quick and responsive nature — a nature that enemies might call simulative — caught and reflected the characteristics of that singular and highly rhetorical age. He lives in tradition as the man of the constant smile, and yet there is no one in history whose state papers contain passages of fiercer violence in days of tension. How much of his violence was genuine, how much was a manner of speaking, his biographers have not had the courage to determine. Like so many American biographers they have avoided the awkward questions and have glanced over, as lightly as possible, the persistent attempts of Congress to drive him from office.

Nothing could shake the resolution of Davis to retain Benjamin in the Cabinet. Among Davis's loftiest qualities was his sense of personal loyalty. Once he had given his confidence, no amount of opposition could shake his will but served rather to harden him. When Benjamin as Secretary of War passed under a cloud, Davis led him forth

resplendent as Secretary of State. Whether he was wise in doing so, whether the opposition was not justified in its distrust of Benjamin, is still an open question. What is certain is that both these able men, even before the crisis that arose in the autumn of 1862, had rendered themselves and their Government widely unpopular. It must never be forgotten that Davis entered office without the backing of any definite faction. He was a "dark horse," a compromise candidate. To build up a stanch following, to create enthusiasm for his Administration, was a prime necessity of his first year as President. Yet he seems not to have realized this necessity. Boldly, firmly, dogmatically, he gave his whole thought and his entire energy to organizing the Government in such a way that it could do its work efficiently. And therein may have been the proverbial rift within the lute. To Davis statecraft was too much a thing of methods and measures, too little a thing of men and passions.

During the autumn of 1862 and the following winter the disputes over the conduct of the war began to subside and two other themes became prominent: the sovereignty of the States, which appeared to be menaced by the Government, and

the personality of Davis, whom malcontents regarded as a possible despot. Contrary to tradition, the first note of alarm over state rights was not struck by its great apostle Rhett, although the note was sounded in South Carolina in the early autumn. There existed in this State at that time an extra assembly called the "Convention," which had been organized in 1860 for the general purpose of seeing the State through the "revolution." In the Convention, in September, 1862, the question of a contest with the Confederate Government on the subject of a state army was definitely raised. It was proposed to organize a state army and to instruct the Legislature to "take effectual measures to prevent the agents of the Confederate Government from raising troops in South Carolina except by voluntary enlistment or by applying to the Executive of the State to call out the militia as by law organized, or some part of it to be mustered into the Confederate service." This proposal brought about a sharp debate upon the Confederate Government and its military policy. Rhett made a remarkable address, which should of itself quiet forever the old tale that he was animated in his opposition solely by the pique of a disappointed candidate for the presidency. Though

as sharp as ever against the Government and though agreeing wholly with the spirit of the state army plan, he took the ground that circumstances at the moment rendered the organization of such an army inopportune. A year earlier he would have strongly supported the plan. In fact, in opposition to Davis he had at that time, he said, urged an obligatory army which the States should be required to raise. The Confederate Administration, however, had defeated his scheme. Since then the situation had changed and had become so serious that now there was no choice but to submit to military necessity. He regarded the general conscription law as "absolutely necessary to save" the Confederacy "from utter devastation if not final subjugation. Right or wrong, the policy of the Administration had left us no other alternative. . . ."

The dominant attitude in South Carolina in the autumn of 1862 is in strong contrast, because of its firm grasp upon fact, with the attitude of the Brown faction in Georgia. An extended history of the Confederate movement — one of those vast histories that delight the recluse and scare away the man of the world — would labor to build up images of what might be called the personalities

of the four States that continued from the beginning to the end parts of the effective Confederate system — Virginia, the two Carolinas, and Georgia. We are prone to forget that the Confederacy was practically divided into separate units as early as the capture of New Orleans by Farragut, but a great history of the time would have a special and thrilling story of the conduct of the detached western unit, the isolated world of Louisiana, Arkansas, and Texas — the “Department of the Trans-Mississippi” — cut off from the main body of the Confederacy and hemmed in between the Federal army and the deep sea. Another group of States — Tennessee, Mississippi, Alabama — became so soon, and remained so long, a debatable land, on which the two armies fought, that they also had scant opportunity for genuine political life. Florida, small and exposed, was absorbed in its gallant achievement of furnishing to the armies a number of soldiers larger than its voting population.

Thus, after the loss of New Orleans, one thing with another operated to confine the area of full political life to Virginia and her three neighbors to the South. And yet even among these States there was no political solidarity or unanimity of

opinion, for the differences in their past experience, social structure, and economic conditions made for distinct points of view. In South Carolina, particularly, the prevailing view was that of experienced, disillusioned men who realized from the start that secession had burnt their bridges, and that now they must win the fight or change the whole current of their lives. In the midst of the extraordinary conditions of war, they never talked as if their problems were the problems of peace. Brown, on the other hand, had but one way of reasoning — if we are to call it reasoning — and, with Hannibal at the gates, talked as if the control of the situation were still in his own hands.

While South Carolina, so grimly conscious of the reality of war and the danger of internal discord, held off from the issue of state sovereignty, the Brown faction in Georgia blithely pressed it home. A bill for extending the conscription age which was heartily advocated by the *Mercury* was as heartily condemned by Brown. To the President he wrote announcing his continued opposition to a law which he declared “encroaches upon the reserved rights of the State and strikes down her sovereignty at a single blow.” Though the Supreme Court of Georgia pronounced the conscription acts



constitutional, the Governor and his faction did not cease to condemn them. Linton Stephens, as well as his famous kinsman, took up the cudgels. In a speech before the Georgia Legislature, in November, Linton Stephens borrowed almost exactly the Governor's phraseology in denying the necessity for conscription, and this continued to be the note of their faction throughout the war. "Conscription checks enthusiasm," was ever their cry; "we are invincible under a system of volunteering, we are lost with conscription."

Meanwhile the military authorities looked facts in the face and had a different tale to tell. They complained that in various parts of the country, especially in the mountain districts, they were unable to obtain men. Lee reported that his army melted away before his eye and asked for an increase of authority to compel stragglers to return. At the same time Brown was quarreling with the Administration as to who should name the officers of the Georgia troops. Zebulon B. Vance, the newly elected Governor of North Carolina and an anti-Davis man, said to the Legislature: "It is mortifying to find entire brigades of North Carolina soldiers commanded by strangers, and in many cases our own brave and war-worn colonels



are made to give place to colonels from distant States." In addition to such indications of discontent a vast mass of evidence makes plain the opposition to conscription toward the close of 1862 and the looseness of various parts of the military system.

It was a moment of intense excitement and of nervous strain. The country was unhappy, for it had lost faith in the Government at Richmond. The blockade was producing its effect. European intervention was receding into the distance. One of the characteristics of the editorials and speeches of this period is a rising tide of bitterness against England. Napoleon's proposal in November to mediate, though it came to naught, somewhat revived the hope of an eventual recognition of the Confederacy but did not restore buoyancy to the people of the South. The Emancipation Proclamation, though scoffed at as a cry of impotence, none the less increased the general sense of crisis.

Worst of all, because of its immediate effect upon the temper of the time, food was very scarce and prices had risen to indefensible heights. The army was short of shoes. In the newspapers, as winter came on, were to be found touching descriptions of Lee's soldiers standing barefoot in

the snow. A flippant comment of Benjamin's, that the shoes had probably been traded for whiskey, did not tend to improve matters. Even though short of supplies themselves, the people as a whole eagerly subscribed to buy shoes for the army.

There was widespread and heartless speculation in the supplies. Months previous the *Courier* had made this ominous editorial remark: "Speculators and monopolists seem determined to force the people everywhere to the full exercise of all the remedies allowed by law." In August, 1862, the Governor of Florida wrote to the Florida delegation at Richmond urging them to take steps to meet the "nefarious smuggling" of speculators who charged extortionate prices. In September, he wrote again begging for legislation to compel millers, tanners, and saltmakers to offer their products at reasonable rates. As these men were exempt from military duty because their labor was held to be a public service, feeling against them ran high. Governor Vance proposed a state convention to regulate prices for North Carolina and by proclamation forbade the export of provisions in order to prevent the seeking of exorbitant prices in other markets. Davis wrote to various Governors urging them to obtain state legislation

to reduce extortion in the food business. In the provisioning of the army the Confederate Government had recourse to impressment and the arbitrary fixing of prices. Though the Attorney-General held this action to be constitutional, it led to sharp contentions; and at length a Virginia court granted an injunction to a speculator who had been paid by the Government for flour less than it had cost him.

In an attempt to straighten out this tangled situation, the Confederate Government began, late in 1862, by appointing as its new Secretary of War,<sup>1</sup> James A. Seddon of Virginia—at that time high in popular favor. The *Mercury* hailed his advent with transparent relief, for no appointment could have seemed to it more promising. Indeed, as the new year (1863) opened the *Mercury* was in better humor with the Administration than perhaps at any other time during the war. To the President's message it gave praise that was almost cordial. This amicable temper was short-lived, however, and three months later the heavens had clouded

<sup>1</sup> There were in all six Secretaries of War: Leroy P. Walker, until September 16, 1861; Judah P. Benjamin, until March 18, 1862; George W. Randolph, until November 17, 1862; Gustavus W. Smith (temporarily), until November 21, 1862; James A. Seddon, until February 6, 1865; General John C. Breckinridge.

again, for the Government had entered upon a course that consolidated the opposition in anger and distrust.

Early in 1863 the Confederate Government presented to the country a program in which the main features were three. Of these the two which did not rouse immediate hostility in the party of the *Examiner* and the *Mercury* were the Impressment Act of March, 1863 (amended by successive acts), and the act known as the Tax in Kind, which was approved the following month. Though the Impressment Act subsequently made vast trouble for the Government, at the time of its passage its beneficial effects were not denied. To it was attributed by the Richmond *Whig* the rapid fall of prices in April, 1863. Corn went down at Richmond from \$12 and \$10 a bushel to \$4.20, and flour dropped in North Carolina from \$45 a barrel to \$25. Under this act commissioners were appointed in each State jointly by the Confederate President and the Governor with the duty of fixing prices for government transactions and of publishing every two months an official schedule of the prices to be paid by the Government for the supplies which it impressed.

The new Tax Act attempted to provide revenues

which should not be paid in depreciated currency. With no bullion to speak of, the Confederate Congress could not establish a circulating medium with even an approximation to constant value. Realizing this situation, Memminger had advised falling back on the ancient system of tithes and the support of the Government by direct contributions of produce. After licensing a great number of occupations and laying a property tax and an income tax, the new law demanded a tenth of the produce of all farmers. On this law the *Mercury* pronounced a benediction in an editorial on *The Fall of Prices*, which it attributed to "the healthy influence of the tax bill which has just become law."<sup>1</sup>

Had these two measures been the whole program of the Government, the congressional session of the spring of 1863 would have had a different significance in Confederate history. But there was a third measure that provoked a new attack on the Government. The gracious words of the *Mercury* on the tax in kind came as an interlude in the

<sup>1</sup> The fall of prices was attributed by others to a funding act, — one of several passed by the Confederate Congress — which, in March, 1863, aimed by various devices to contract the volume of the currency. It was very generally condemned, and it anticipated the yet more drastic measure, the Funding Act of 1864, which will be described later.

midst of a bitter controversy. An editorial of the 12th of March headed *A Despotism over the Confederate States Proposed in Congress* amounted to a declaration of war. From this time forward the opposition and the Government drew steadily further and further apart and their antagonism grew steadily more relentless.

What caused this irrevocable breach was a bill introduced into the House by Ethelbert Barksdale of Mississippi, an old friend of President Davis. This bill would have invested the President with authority to suspend the privilege of the writ of *habeas corpus* in any part of the Confederacy, whenever in his judgment such suspension was desirable. The first act suspending the privilege of *habeas corpus* had long since expired and applied only to such regions as were threatened with invasion. It had served usefully under martial law in cleansing Richmond of its rogues, and also had been in force at Charleston. The *Mercury* had approved it and had exhorted its readers to take the matter sensibly as an inevitable detail of war. Between that act and the act now proposed the *Mercury* saw no similarity. Upon the merits of the question it fought a furious journalistic duel with the *Enquirer*, the government organ at Rich-

mond, which insisted that President Davis would not abuse his power. The *Mercury* replied that if he "were a second Washington, or an angel upon earth, the degradation such a surrender of our rights implies would still be abhorrent to every freeman." In retort the *Enquirer* pointed out that a similar law had been enacted by another Congress with no bad results. And in point of fact the *Enquirer* was right, for in October, 1862, after the expiration of the first act suspending the privilege of the writ of *habeas corpus*, Congress passed a second giving to the President the immense power which was now claimed for him again. This second act was in force several months. Then the *Mercury* made the astounding declaration that it had never heard of the second act, and thereupon proceeded to attack the secrecy of the Administration with renewed vigor.

On this issue of reviving the expired second *Habeas Corpus* Act, a battle royal was fought in the Confederate Congress. The forces of the Administration defended the new measure on the ground that various regions were openly seditious and that conscription could not be enforced without it. This argument gave a new text for the cry of "despotism." The congressional leader of the



opposition was Henry S. Foote, once the rival of Davis in Mississippi and now a citizen of Tennessee. Fierce, vindictive, sometimes convincing, always shrewd, he was a powerful leader of the rough and ready, buccaneering sort. Under his guidance the debate was diverted into a rancorous discussion of the conduct of the generals in the execution of martial law. Foote pulled out all the stops in the organ of political rhetoric and went in for a chant royal of righteous indignation. The main object of this attack was General Hindman and his doings in Arkansas. Those were still the days of pamphleteering. Though General Albert Pike had written a severe pamphlet condemning Hindman, to this pamphlet the Confederate Government had shut its eyes. Foote, however, flourished it in the face of the House. He thundered forth his belief that Hindman was worse even than the man most detested in the South, than "beast Butler himself, for the latter is only charged with persecuting and oppressing the avowed enemies of his Government, while Hindman, if guilty as charged, has practised cruelties unnumbered" on his people. Other representatives spoke in the same vein. Baldwin of Virginia told harrowing tales of martial law in that State. Barksdale attempted to retaliate,



sarcastically reminding him of a recent scene of riot and disorder which proved that martial law, in any effective form, did not exist in Virginia. He alluded to a riot, ostensibly for bread, in which an Amazonian woman had led a mob to the pillaging of the Richmond jewelry shops, a riot which Davis himself had quelled by meeting the rioters and threatening to fire upon them. But sarcasm proved powerless against Foote. His climax was a lurid tale of a soldier who while marching past his own house heard that his wife was dying, who left the ranks for a last word with her, and who on rejoining the command, "hoping to get permission to bury her," was shot as a deserter. And there was no one on the Government benches to anticipate Kipling and cry out "flat art!" Resolutions condemning martial law were passed by a vote of 45 to 27.

Two weeks later the *Mercury* preached a burial sermon over the Barksdale Bill, which had now been rejected by the House. Congress was about to adjourn, and before it reassembled elections for the next House would be held. "The measure is dead for the present," said the *Mercury*, "but power is ever restive and prone to accumulate power; and if the war continues, other efforts will

doubtless be made to make the President a Dictator. Let the people keep their eyes steadily fixed on their representatives with respect to this vital matter; and should the effort again be made to suspend the Habeas Corpus Act, demand that a recorded vote should show those who shall strike down their liberties.”

## CHAPTER V

### THE CRITICAL YEAR

THE great military events of the year 1863 have pushed out of men's memories the less dramatic but scarcely less important civil events. To begin with, in this year two of the greatest personalities in the South passed from the political stage: in the summer Yancey died; and in the autumn, Rhett went into retirement.

The ever malicious Pollard insists that Yancey's death was due ultimately to a personal encounter with a Senator from Georgia on the floor of the Senate. The curious may find the discreditable story embalmed in the secret journal of the Senate, where are the various motions designed to keep the incident from the knowledge of the world. Whether it really caused Yancey's death is another question. However, the moment of his passing has dramatic significance. Just as the battle over conscription was fully begun, when the fear that the

Confederate Government had arrayed itself against the rights of the States had definitely taken shape, when this dread had been reënforced by the alarm over the suspension of *habeas corpus*, the great pioneer of the secession movement went to his grave, despairing of the country he had failed to lead. His death occurred in the same month as the Battle of Gettysburg, at the very time when the Confederacy was dividing against itself.

The withdrawal of Rhett from active life was an incident of the congressional elections. He had consented to stand for Congress in the Third District of South Carolina but was defeated. The full explanation of the vote is still to be made plain; it seems clear, however, that South Carolina at this time knew its own mind quite positively. Five of the six representatives returned to the Second Congress, including Rhett's opponent, Lewis M. Ayer, had sat in the First Congress. The subsequent history of the South Carolina delegation and of the State Government shows that by 1863 South Carolina had become, broadly speaking, on almost all issues an anti-Davis State. And yet the largest personality and probably the ablest mind in the State was rejected as a candidate for Congress. No character in American

history is a finer challenge to the biographer than this powerful figure of Rhett, who in 1861 at the supreme crisis of his life seemed the master of his world and yet in every lesser crisis was a comparative failure. As in Yancey, so in Rhett, there was something that fitted him to one great moment but did not fit him to others. There can be little doubt that his defeat at the polls of his own district deeply mortified him. He withdrew from politics, and though he doubtless, through the editorship of one of his sons, inspired the continued opposition of the *Mercury* to the Government, Rhett himself hardly reappears in Confederate history except for a single occasion during the debate a year later upon the burning question of arming the slaves.

The year was marked by very bitter attacks upon President Davis on the part of the opposition press. The *Mercury* revived the issue of the conduct of the war which had for some time been overshadowed by other issues. In the spring, to be sure, things had begun to look brighter, and Chancellorsville had raised Lee's reputation to its zenith. The disasters of the summer, Gettysburg and Vicksburg, were for a time minimized by the Government and do not appear to have caused the

alarm which their strategic importance might well have created. But when in the latter days of July the facts became generally known, the *Mercury* arraigned the President's conduct of the war as "a vast complication of incompetence and folly"; it condemned the whole scheme of the Northern invasion and maintained that Lee should have stood on the defensive while twenty or thirty thousand men were sent to the relief of Vicksburg. These two ideas it bitterly reiterated and in August went so far as to quote Macaulay's famous passage on Parliament's dread of a decisive victory over Charles and to apply it to Davis in unrestrained language that reminds one of Pollard.

Equally unrestrained were the attacks upon other items of the policy of the Confederate Government. The Impressment Law began to be a target. Farmers who were compelled to accept the prices fixed by the impressment commissioners cried out that they were being ruined. Men of the stamp of Toombs came to their assistance with railing accusations such as this: "I have heard it said that we should not sacrifice liberty to independence, but I tell you, my countrymen, that the two are inseparable. . . . If we lose our liberty we shall lose our independence. . . . I would rather

see the whole country the cemetery of freedom than the habitation of slaves." Protests which poured in upon the Government insisted that the power to impress supplies did not carry with it the power to fix prices. Worthy men, ridden by the traditional ideas of political science and unable to modify these in the light of the present emergency, wailed out their despair over the "usurpation" of Richmond.

The tax in kind was denounced in the same vein. The licensing provisions of this law and its income tax did not satisfy the popular imagination. These provisions concerned the classes that could borrow. The classes that could not borrow, that had no resources but their crops, felt that they were being driven to the wall. The bitter saying went around that it was "a rich man's war and a poor man's fight." As land and slaves were not directly taxed, the popular discontent appeared to have ground for its anger. Furthermore, it must never be forgotten that this was the first general tax that the poor people of the South were ever conscious of paying. To people who knew the tax-gatherer as little more than a mythical being, he suddenly appeared like a malevolent creature who swept off ruthlessly the tenth of their produce. It is not

strange that an intemperate reaction against the planters and their leadership followed. The illusion spread that they were not doing their share of the fighting; and as rich men were permitted to hire substitutes to represent them in the army, this really baseless report was easily propped up in the public mind with what appeared to be reason.

In North Carolina, where the peasant farmer was a larger political factor than in any other State, this feeling against the Confederate Government because of the tax in kind was most dangerous. In the course of the summer, while the military fortunes of the Confederacy were toppling at Vicksburg and Gettysburg, the North Carolina farmers in a panic of self-preservation held numerous meetings of protest and denunciation. They expressed their thoughtless terror in resolutions asserting that the action of Congress "in secret session, without consulting with their constituents at home, taking from the hard laborers of the Confederacy one-tenth of the people's living, instead of taking back their own currency in tax, is unjust and tyrannical." Other resolutions called the tax "unconstitutional, anti-republican, and oppressive"; and still others pledged the farmers "to resist to the bitter end any such monarchical tax."



A leader of the discontented in North Carolina was found in W. W. Holden, the editor of the *Raleigh Progress*, who before the war had attempted to be spokesman for the men of small property by advocating taxes on slaves and similar measures. He proposed as the conclusion of the whole matter the opening of negotiations for peace. We shall see later how deep-seated was this singular delusion that peace could be had for the asking. In 1863, however, many men in North Carolina took up the suggestion with delight. Jonathan Worth wrote in his diary, on hearing that the influential *North Carolina Standard* had come out for peace: "I still abhor, as I always did, this accursed war and the wicked men, North and South, who inaugurated it. The whole country at the North and the South is a great military despotism." With such discontent in the air, the elections in North Carolina drew near. The feeling was intense and riots occurred. Newspaper offices were demolished — among them Holden's, to destroy which a detachment of passing soldiers converted itself into a mob. In the western counties deserters from the army, combined in bands, were joined by other deserters from Tennessee, and terrorized the countryside. Governor Vance, alarmed at the progress which

this disorder was making, issued a proclamation imploring his rebellious countrymen to conduct in a peaceable manner their campaign for the repeal of obnoxious laws.

The measure of political unrest in North Carolina was indicated in the autumn when a new delegation to Congress was chosen. Of the ten who composed it, eight were new men. Though they did not stand for a clearly defined program, they represented on the whole anti-Davis tendencies. The Confederate Administration had failed to carry the day in the North Carolina elections; and in Georgia there were even more sweeping evidences of unrest. Of the ten representatives chosen for the Second Congress nine had not sat in the First, and Georgia now was in the main frankly anti-Davis. There had been set up at Richmond a new organ of the Government called the *Sentinel*, which was more entirely under the presidential shadow than even the *Enquirer* and the *Courier*. Speaking of the elections, the *Sentinel* deplored the "upheaval of political elements" revealed by the defeat of so many tried representatives whose constituents had not returned them to the Second Congress.

What was Davis doing while the ground was

thus being cut from under his feet? For one thing he gave his endorsement to the formation of "Confederate Societies" whose members bound themselves to take Confederate money as legal tender. He wrote a letter to one such society in Mississippi, praising it for attempting "by common consent to bring down the prices of all articles to the standard of the soldiers' wages" and adding that the passion of speculation had "seduced citizens of all classes from a determined prosecution of the war to an effort to amass money." The *Sentinel* advocated the establishment of a law fixing maximum prices. The discussion of this proposal seems to make plain the *raison d'être* for the existence of the *Sentinel*. Even such stanch government organs as the *Enquirer* and the *Courier* shied at the idea, but the *Mercury* denounced it vigorously, giving long extracts from Thiers, and discussed the mistakes of the French Revolution with its "law of maximum."

Davis, however, did not take an active part in the political campaign, nor did the other members of the Government. It was not because of any notion that the President should not leave the capital that Davis did not visit the disaffected regions of North Carolina when the startled popu-

lace winced under its first experience with taxation. Three times during his Administration Davis left Richmond on extended journeys: late in 1862, when Vicksburg had become a chief concern of the Government, he went as far afield as Mississippi in order to get entirely in touch with the military situation in those parts; in the month of October, 1863, when there was another moment of intense military anxiety, Davis again visited the front; and of a third journey which he undertook in 1864, we shall hear in time. It is to be noted that each of these journeys was prompted by a military motive; and here, possibly, we get an explanation of his inadequacy as a statesman. He could not lay aside his interest in military affairs for the supremely important concerns of civil office; and he failed to understand how to ingratiate his Administration by personal appeals to popular imagination.

In October, 1863, — the very month in which his old rival Rhett suffered his final defeat, — Davis undertook a journey because Bragg, after his great victory at Chickamauga, appeared to be letting slip a golden opportunity, and because there were reports of dissension among Bragg's officers and of general confusion in his army. After he had, as

he thought, restored harmony in the camp, Davis turned southward on a tour of appeal and inspiration. He went as far as Mobile, and returning bent his course through Charleston, where, at the beginning of November, less than two weeks after Rhett's defeat, Davis was received with all due formalities. Members of the Rhett family were among those who formally received the President at the railway station. There was a parade of welcome, an official reception, a speech by the President from the steps of the city hall, and much applause by friends of the Administration. But certain ominous signs were not lacking. The *Mercury*, for example, tucked away in an obscure column its account of the event, while its rival, the *Courier*, made the President's visit the feature of the day.

Davis returned to Richmond, early in November, to throw himself again with his whole soul into problems that were chiefly military. He did not realize that the crisis had come and gone and that he had failed to grasp the significance of the internal political situation. The Government had failed to carry the elections and to secure a working majority in Congress. Never again was it to have behind it a firm and confident support. The

unity of the secession movement had passed away. Thereafter the Government was always to be regarded with suspicion by the extreme believers in state sovereignty and by those who were sullenly convinced that the burdens of the war were unfairly distributed. And there were not wanting men who were ready to construe each emergency measure as a step toward a *coup d'état*.

## CHAPTER VI

### LIFE IN THE CONFEDERACY

WHEN the fortunes of the Confederacy in both camp and council began to ebb, the life of the Southern people had already profoundly changed. The gallant, delightful, care-free life of the planter class had been undermined by a war which was eating away its foundations. Economic no less than political forces were taking from the planter that ideal of individual liberty as dear to his heart as it had been, ages before, to his feudal prototype. One of the most important details of the changing situation had been the relation of the Government to slavery. The history of the Confederacy had opened with a clash between the extreme advocates of slavery — the slavery-at-any-price men — and the Administration. The Confederate Congress had passed a bill ostensibly to make effective the clause in its constitution prohibiting the African slave-trade. The quick eye of Davis had detected in

it a mode of evasion, for cargoes of captured slaves were to be confiscated and sold at public auction. The President had exposed this adroit subterfuge in his message vetoing the bill, and the slavery-at-any-price men had not sufficient influence in Congress to override the veto, though they muttered against it in the public press.

The slavery-at-any-price men did not again conspicuously show their hands until three years later when the Administration included emancipation in its policy. The ultimate policy of emancipation was forced upon the Government by many considerations but more particularly by the difficulty of securing labor for military purposes. In a country where the supply of fighting men was limited and the workers were a class apart, the Government had to employ the only available laborers or confess its inability to meet the industrial demands of war. But the available laborers were slaves. How could their services be secured? By purchase? Or by conscription? Or by temporary impressment?

Though Davis and his advisers were prepared to face all the hazards involved in the purchase or confiscation of slaves, the traditional Southern temper instantly recoiled from the suggestion. A



Government possessed of great numbers of slaves, whether bought or appropriated, would have in its hands a gigantic power, perhaps for industrial competition with private owners, perhaps even for organized military control. Besides, the Government might at any moment by emancipating its slaves upset the labor system of the country. Furthermore, the opportunities for favoritism in the management of state-owned slaves were beyond calculation. Considerations such as these therefore explain the watchful jealousy of the planters toward the Government whenever it proposed to acquire property in slaves.

It is essential not to attribute this social-political dread of government ownership of slaves merely to the clutch of a wealthy class on its property. Too many observers, strangely enough, see the latter motive to the exclusion of the former. Davis himself was not, it would seem, free from this confusion. He insisted that neither slaves nor land were taxed by the Confederacy, and between the lines he seems to attribute to the planter class the familiar selfishness of massed capital. He forgot that the tax in kind was combined with an income tax. In theory, at least, the slave and the land — even non-farming land — were taxed. However,

the dread of a slave-owning Government prevented any effective plan for supplying the army with labor except through the temporary impressment of slaves who were eventually to be returned to their owners. The policy of emancipation had to wait.

Bound up in the labor question was the question of the control of slaves during the war. In the old days when there were plenty of white men in the countryside, the roads were carefully patrolled at night, and no slave ventured to go at large unless fully prepared to prove his identity. But with the coming of war the comparative smallness of the fighting population made it likely from the first that the countryside everywhere would be stripped of its white guardians. In that event, who would be left to control the slaves? Early in the war a slave police was provided for by exempting from military duty overseers in the ratio approximately of one white to twenty slaves. But the marvelous faithfulness of the slaves, who nowhere attempted to revolt, made these precautions unnecessary. Later laws exempted one overseer on every plantation of fifteen slaves, not so much to perform patrol duty as to increase the productivity of plantation labor.

This "Fifteen Slave" Law was one of many instances that were caught up by the men of small property as evidence that the Government favored the rich. A much less defensible law, and one which was bitterly attacked for the same reason, was the unfortunate measure permitting the hiring of substitutes by men drafted into the army. Eventually, the clamor against this law caused its repeal, but before that time it had worked untold harm as apparent evidence of "a rich man's war and a poor man's fight." Extravagant stories of the avoidance of military duty by the ruling class, though in the main they were mere fairy tales, changed the whole atmosphere of Southern life. The old glad confidence uniting the planter class with the bulk of the people had been impaired. Misapprehension appeared on both sides. Too much has been said lately, however, in justification of the poorer classes who were thus wakened suddenly to a distrust of the aristocracy; and too little has been said of the proud recoil of the aristocracy in the face of a sudden, credulous perversion of its motives — a perversion inspired by the pinching of the shoe, and yet a shoe that pinched one class as hard as it did another. It is as unfair to charge the planter with selfishness in opposing

the appropriation of slaves as it is to make the same charge against the small farmers for resisting tithes. In face of the record, the planter comes off somewhat the better of the two; but it must be remembered that he had the better education, the larger mental horizon.

The Confederacy had long recognized women of all classes as the most dauntless defenders of the cause. The women of the upper classes passed without a tremor from a life of smiling ease to a life of extreme hardship. One day, their horizon was without a cloud; another day, their husbands and fathers had gone to the front. Their luxuries had disappeared, and they were reduced to plain hard living, toiling in a thousand ways to find provision and clothing, not only for their own children but for the poorer families of soldiers. The women of the poor throughout the South deserve similar honor. Though the physical shock of the change may not have been so great, they had to face the same deep realities — hunger and want, anxiety over the absent soldiers, solicitude for children, grief for the dead. One of the pathetic aspects of Confederate life was the household composed of several families, all women and children, huddled together with-

out a man or even a half-grown lad to be their link with the mill and the market. In those regions where there were few slaves and the exemption of overseers did not operate, such households were numerous.

The great privations which people endured during the Confederacy have passed into familiar tradition. They are to be traced mainly to three causes: to the blockade, to the inadequate system of transportation, and to the heartlessness of speculators. The blockade was the real destroyer of the South. Besides ruining the whole policy based on King Cotton, besides impeding to a vast extent the inflow of munitions from Europe, it also deprived Southern life of numerous articles which were hard to relinquish — not only such luxuries as tea and coffee, but also such utter necessities as medicines. And though the native herbs were diligently studied, though the Government established medical laboratories with results that were not inconsiderable, the shortage of medicines remained throughout the war a distressing feature of Southern life. The Tredegar Iron Works at Richmond and a foundry at Selma, Alabama, were the only mills in the South capable of casting the heavy ordnance necessary for military purposes. And

the demand for powder mills and gun factories to provide for the needs of the army was scarcely greater than the demand for cotton mills and commercial foundries to supply the wants of the civil population. The Government worked without ceasing to keep pace with the requirements of the situation, and, in view of the immense difficulties which it had to face, it was fairly successful in supplying the needs of the army. Powder was provided by the Niter and Mining Bureau; lead for Confederate bullets was collected from many sources — even from the window-weights of the houses; iron was brought from the mines of Alabama; guns came from newly built factories; and machines and tools were part of the precious freight of the blockade-runners. Though the poorly equipped mills turned a portion of the cotton crop into textiles, and though everything that was possible was done to meet the needs of the people, the supply of manufactures was sadly inadequate. The universal shortage was betrayed by the limitation of the size of most newspapers to a single sheet, and the desperate situation clearly and completely revealed by the way in which, as a last resort, the Confederates were compelled to repair their railroads by pulling up the rails of one

road in order to repair another that the necessities of war rendered indispensable.

The railway system, if such it can be called, was one of the weaknesses of the Confederacy. Before the war the South had not felt the need of elaborate interior communication, for its commerce in the main went seaward, and thence to New England or to Europe. Hitherto the railway lines had seen no reason for merging their local character in extensive combinations. Owners of short lines were inclined by tradition to resist even the imperative necessities of war and their stubborn conservatism was frequently encouraged by the short-sighted parochialism of the towns. The same pitiful narrowness that led the peasant farmer to threaten rebellion against the tax in kind led his counterpart in the towns to oppose the War Department in its efforts to establish through railroad lines because they threatened to impair local business interests. A striking instance of this disinclination towards coöperation is the action of Petersburg. Two railroads terminated at this point but did not connect, and it was an ardent desire of the military authorities to link the two and convert them into one. The town, however, unable to see beyond its boundaries and resolute in



its determination to save its transfer business, successfully obstructed the needs of the army.<sup>1</sup>

As a result of this lack of efficient organization an immense congestion resulted all along the railroads. Whether this, rather than a failure in supply, explains the approach of famine in the latter part of the war, it is today very difficult to determine. In numerous state papers of the time, the assertion was reiterated that the yield of food was abundant and that the scarcity of food at many places, including the cities and the battle fronts, was due to defects in transportation. Certain it is that the progress of supplies from one point to another was intolerably slow.

All this want of coördination facilitated speculation. We shall see hereafter how merciless this speculation became and we shall even hear of profits on food rising to more than four hundred per cent. However, the oft-quoted prices of the later years — when, for instance, a pair of shoes cost a hundred dollars — signify little, for they rested on an inflated currency. None the less they inspired the witticism that one should take money to market in a basket and bring provisions home

<sup>1</sup> See an article on *The Confederate Government and the Railroads in the American Historical Review*, July, 1917, by Charles W. Ramsdell.



in one's pocketbook. Endless stories could be told of speculators hoarding food and watching unmoved the sufferings of a famished people. Said Bishop Pierce, in a sermon before the General Assembly of Georgia, on Fast Day, in March, 1863: "Restlessness and discontent prevail. . . . Extortion, pitiless extortion is making havoc in the land. We are devouring each other. Avarice with full barns puts the bounties of Providence under bolts and bars, waiting with eager longings for higher prices. . . . The greed of gain . . . stalks among us unabashed by the heroic sacrifice of our women or the gallant deeds of our soldiers. Speculation in salt and bread and meat runs riot in defiance of the thunders of the pulpit, and executive interference and the horrors of threatened famine." In 1864, the Government found that quantities of grain paid in under the tax as new-grown were mildewed. It was grain of the previous year which speculators had held too long and now palmed off on the Government to supply the army.

Amid these desperate conditions the fate of soldiers' families became everywhere a tragedy. Unless the soldier was a land-owner his family was all but helpless. With a depreciated currency and exaggerated prices, his pay, whatever his rank,

was too little to count in providing for his dependents. Local charity, dealt out by state and county boards, by relief associations, and by the generosity of neighbors, formed the barrier between his family and starvation. The landless soldier, with a family at home in desperate straits, is too often overlooked when unimaginative people heap up the statistics of "desertion" in the latter half of the war.

It was in this period, too, that amid the terrible shrinkage of the defensive lines "refugeeing" became a feature of Southern life. From the districts over which the waves of war rolled back and forth helpless families — women, children, slaves — found precarious safety together with great hardship by withdrawing to remote places which invasion was little likely to reach. An Odyssey of hard travel, often by night and half secret, is part of the war tradition of thousands of Southern families. And here, as always, the heroic women, smiling, indomitable, are the center of the picture. Their flight to preserve the children was no small test of courage. Almost invariably they had to traverse desolate country, with few attendants, through forests, and across rivers, where the arm of the law was now powerless to protect them.

Outlaws, defiant of the authorities both civil and military, — ruthless men of whom we shall hear again, — roved those great unoccupied spaces so characteristic of the Southern countryside. Many a family legend preserves still the sense of breathless caution, of pilgrimage in the night-time intently silent for fear of these masterless men. When the remote rendezvous had been reached, there a colony of refugees drew together in a steadfast despair, unprotected by their own fighting men. What strange sad pages in the history of American valor were filled by these women outwardly calm, their children romping after butterflies in a glory of sunshine, while horrid tales drifted in of deeds done by the masterless men in the forest just beyond the horizon, and far off on the soul's horizon fathers, husbands, brothers, held grimly the lines of last defense!

## CHAPTER VII

### THE TURNING OF THE TIDE

THE buoyancy of the Southern temper withstood the shock of Gettysburg and was not overcome by the fall of Vicksburg. Of the far-reaching significance of the latter catastrophe in particular there was little immediate recognition. Even Seddon, the Secretary of War, in November, reported that "the communication with the Trans-Mississippi, while rendered somewhat precarious and insecure, is found by no means cut off or even seriously endangered." His report was the same sort of thing as those announcements of "strategic retreats" with which the world has since become familiar. He even went so far as to argue that on the whole the South had gained rather than lost; that the control of the river was of no real value to the North; that the loss of Vicksburg "has on our side liberated for general operations in the field a large army, while it requires the enemy to maintain

cooped up, inactive, in positions insalubrious to their soldiers, considerable detachments of their forces."

Seddon attempted to reverse the facts, to show that the importance of the Mississippi in commerce was a Northern not a Southern concern. He threw light upon the tactics of the time by his description of the future action of Confederate sharpshooters who were to terrorize such commercial crews as might attempt to navigate the river; he also told how light batteries might move swiftly along the banks and, at points commanding the channel, rain on the passing steamer unheralded destruction. He was silent upon the really serious matter, the patrol of the river by Federal gunboats which rendered commerce with the Trans-Mississippi all but impossible.

This report, dated the 26th of November, gives a roseate view of the war in Tennessee and enlarges upon that dreadful battle of Chickamauga which "ranks as one of the grandest victories of the war." But even as the report was signed, Bragg was in full retreat after his great disaster at Chattanooga. On the 30th of November the Administration at Richmond received from him a dispatch that closed with these words: "I deem it due to the

cause and to myself to ask for relief from command and an investigation into the causes of the defeat." In the middle of December, Joseph E. Johnston was appointed to succeed him.

Whatever had been the illusions of the Government, they were now at an end. There was no denying that the war had entered a new stage and that the odds were grimly against the South. Davis recognized the gravity of the situation, and in his message to Congress in December, 1863, he admitted that the Trans-Mississippi was practically isolated. This was indeed a great catastrophe, for hereafter neither men nor supplies could be drawn from the far Southwest. Furthermore, the Confederacy had now lost its former precious advantage of using Mexico as a means of secret trade with Europe.

These distressing events of the four months between Vicksburg and Chattanooga established also the semi-isolation of the middle region of the lower South. The two States of Mississippi and Alabama entered upon the most desperate chapter of their history. Neither in nor out of the Confederacy, neither protected by the Confederate lines nor policed by the enemy, they were subject at once to the full rigor of the financial and military

demands of the Administration of Richmond and to the full ruthlessness of plundering raids from the North. Nowhere can the contrast between the warfare of that day and the best methods of our own time be observed more clearly than in this unhappy region. At the opening of 1864 the effective Confederate lines drew an irregular zigzag across the map from a point in northern Georgia not far below Chattanooga to Mobile. Though small Confederate commands still operated bravely west of this line, the whole of Mississippi and a large part of Alabama were beyond aid from Richmond. But the average man did not grasp the situation. When a region is dominated by mobile armies the appearance of things to the civilian is deceptive. Because the powerful Federal armies of the Southwest, at the opening of 1864, were massed at strategic points from Tennessee to the Gulf, and were not extended along an obvious trench line, every brave civilian would still keep up his hope and would still insist that the middle Gulf country was far from subjugation, that its defense against the invader had not become hopeless.

Under such conditions, when the Government at Richmond called upon the men of the Southwest

to regard themselves as mere sources of supply, human and otherwise, mere feeders to a theater of war that did not include their homes, it was altogether natural that they should resent the demand. All the tragic confusion that was destined in the course of the fateful year 1864 to paralyze the Government at Richmond was already apparent in the middle Gulf country when the year began. Chief among these was the inability of the State and Confederate Governments to coöperate adequately in the business of conscription. The two powers were determined rivals struggling each to seize the major part of the manhood of the community. While Richmond, looking on the situation with the eye of pure strategy, wished to draw together the full man-power of the South in one great unit, the local authorities were bent on retaining a large part of it for home defense.

In the Alabama newspapers of the latter half of 1863 strange incidents are to be found throwing light on the administrative duel. The writ of *habeas corpus*, as was so often the case in Confederate history, was the bone of contention. We have seen that the second statute empowering the President to proclaim martial law and to suspend the operation of the writ had expired by limitation



in February, 1863. The Alabama courts were theoretically in full operation, but while the law was in force the military authorities had acquired a habit of arbitrary control. Though warned from Richmond in general orders that they must not take unto themselves a power vested in the President alone, they continued their previous course of action. It thereupon became necessary to issue further general orders annulling "all proclamations of martial law by general officers and others" not invested by law with adequate authority.

Neither general orders nor the expiration of the statute, however, seemed able to put an end to the interference with the local courts on the part of local commanders. The evil apparently grew during 1863. A picturesque instance is recorded with extreme fullness by the *Southern Advertiser* in the autumn of the year. In the minutely circumstantial account, we catch glimpses of one Rhodes moving heaven and earth to prove himself exempt from military service. After Rhodes is enrolled by the officers of the local military rendezvous, the sheriff attempts to turn the tables by arresting the Colonel in command. The soldiers rush to defend their Colonel, who is ill in bed at a house some distance away. The judge who had

issued the writ is hot with anger at this military interference in civil affairs. Thereupon the soldiers seize him, but later, recognizing for some unexplained reason the majesty of the civil law, they release him. And the hot-tempered incident closes with the Colonel's determination to carry the case to the Supreme Court of the State.

The much harassed people of Alabama had still other causes of complaint during this same year. Again the newspapers illumine the situation. In the troubled autumn, Joseph Wheeler swept across the northern counties of Alabama and in a daring ride, with Federal cavalry hot on his trail, reached safety beyond the Tennessee River. Here his pursuers turned back and, as their horses had been broken by the swiftness of the pursuit, returning slowly, they "gleaned the country" to replace their supplies. Incidentally they pounced upon the town of Huntsville. "Their appearance here," writes a local correspondent, "was so sudden and . . . the contradictory reports of their whereabouts" had been so baffling that the townspeople had found no time to secrete things. The whole neighborhood was swept clean of cattle and almost clean of provision. "We have not enough left," the report continues, "to haul and plow with . . .

and milch cows are *non est*." Including "Stanley's big raid in July," this was the twenty-first raid which Huntsville had endured that year. The report closes with a bitter denunciation of the people of southern Alabama who as yet do not know what war means, who are accused of complete hardness of heart towards their suffering fellowcountrymen and of caring only to make money out of war prices.

When Davis sent his message to the Southern Congress at the opening of the session of 1864, the desperate plight of the middle Gulf country was at once a warning and a menace to the Government. If the conditions of that debatable land should extend eastward, there could be little doubt that the day of the Confederacy was nearing its close. To remedy the situation west of the main Confederate line, to prevent the growth of a similar condition east of it, Davis urged Congress to revive the statute permitting martial law and the suspension of the writ of *habeas corpus*. The President told Congress that in parts of the Confederacy "public meetings have been held, in some of which a treasonable design is masked by a pretense of devotion of state sovereignty, and in others is openly avowed . . . a strong suspicion

is entertained that secret leagues and associations are being formed. In certain localities men of no mean position do not hesitate to avow their disloyalty and hostility to our cause, and their advocacy of peace on the terms of submission and the abolition of slavery."

This suspicion on the part of the Confederate Government that it was being opposed by organized secret societies takes us back to debatable land and to the previous year. The Bureau of Conscription submitted to the Secretary of War a report from its Alabama branch relative to "a sworn secret organization known to exist and believed to have for its object the encouragement of desertion, the protection of deserters from arrest, resistance to conscription, and perhaps other designs of a still more dangerous character." To the operations of this insidious foe were attributed the shifting of the vote in the Alabama elections, the defeat of certain candidates favored by the Government, and the return in their stead of new men "not publicly known." The suspicions of the Government were destined to further verification in the course of 1864 by the unearthing of a treasonable secret society in southwestern Virginia, the members of which were "bound to each other

for the prosecution of their nefarious designs by the most solemn oaths. They were under obligation to encourage desertions from the army, and to pass and harbor all deserters, escaped prisoners, or spies; to give information to the enemy of the movements of our troops, of exposed or weakened positions, of inviting opportunities of attack, and to guide and assist the enemy either in advance or retreat." This society bore the grandiloquent name "Heroes of America" and had extended its operations into Tennessee and North Carolina.

In the course of the year further evidence was collected which satisfied the secret service of the existence of a mysterious and nameless society which had ramifications throughout Tennessee, Alabama, and Georgia. A detective who joined this "Peace Society," as it was called, for the purpose of betraying its secrets, had marvelous tales to tell of confidential information given to him by members, of how Missionary Ridge had been lost and Vicksburg had surrendered through the machinations of this society.<sup>1</sup>

<sup>1</sup> What classes were represented in these organizations it is difficult if not impossible to determine. They seem to have been involved in the singular "peace movement" which is yet to be considered. This fact gives a possible clue to the problem of their membership. A suspiciously large number of the "peace" men were original anti-

In spite of its repugnance to the suspension of the writ of *habeas corpus*, Congress was so impressed by the gravity of the situation that early in 1864 it passed another act "to suspend the privilege of the writ of *habeas corpus* in certain cases." This was not quite the same as that sweeping act of 1862 which had set the *Mercury* irrevocably in opposition. Though this act of 1864 gave the President the power to order the arrest of any person suspected of treasonable practices, and though it released military officers from all obligation to obey the order of any civil court to surrender a prisoner charged with treason, the new legislation carefully defined a list of cases in which alone this power could be lawfully used. This was the last act of the sort passed by the Confederate Congress, and when it expired by limitation ninety days after the next meeting of Congress it was not renewed.

With regard to the administration of the army, Congress can hardly be said to have met the President more than half way. The age of military service was lowered to seventeen and was raised

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secessionists, and though many, perhaps most, of these who opposed secession became loyal servants of the Confederacy, historians may have jumped too quickly to the assumption that the sincerity of all of these men was above reproach.

to fifty. But the President was not given — though he had asked for it — general control over exemptions. Certain groups, such as ministers, editors, physicians, were in the main exempted; one overseer was exempted on each plantation where there were fifteen slaves, provided he gave bond to sell to the Government at official prices each year one hundred pounds of either beef or bacon for each slave employed and provided he would sell all his surplus produce either to the Government or to the families of soldiers. Certain civil servants of the Confederacy were also exempted as well as those whom the governors of States should “certify to be necessary for the proper administration of the State Government.” The President was authorized to detail for non-military service any members of the Confederate forces “when in his judgment, justice, equity, and necessity, require such details.”

This statute retained two features that had already given rise to much friction, and that were destined to be the cause of much more. It was still within the power of state governors to impede conscription very seriously. By certifying that a man was necessary to the civil administration of a State, a Governor could place him beyond the



legal reach of the conscripting officers. This provision was a concession to those who looked on Davis's request for authority over exemption as the first step toward absolutism. On the other hand the statute allowed the President a free hand in the scarcely less important matter of "details." Among the imperative problems of the Confederacy, where the whole male population was needed in the public service, was the most economical separation of the two groups, the fighters and the producers. On the one hand there was the constant demand for recruits to fill up the wasted armies; on the other, the need for workers to keep the shops going and to secure the harvest. The two interests were never fully coördinated. Under the act of 1864, no farmer, mechanic, tradesman, between the ages of seventeen and fifty, if fit for military service, could remain at his work except as a "detail" under orders of the President: he might be called to the colors at a moment's notice. We shall see, presently, how the revoking of details, toward the end of what may truly be called the terrible year, was one of the major incidents of Confederate history.

Together with the new conscription act, the President approved on February 17, 1864, a re-



enactment of the tax in kind, with some slight concessions to the convenience of the farmers. The President's appeal for a law directly taxing slaves and land had been ignored by Congress, but another of his suggestions had been incorporated in the Funding Act. The state of the currency was now so grave that Davis attributed to it all the evils growing out of the attempts to enforce impressment. As the value of the paper dollar had by this time shrunk to six cents in specie and the volume of Confederate paper was upward of seven hundred millions, Congress undertook to reduce the volume and raise the value by compelling holders of notes to exchange them for bonds. By way of driving the note-holders to consent to the exchange, provision was made for the speedy taxation of notes for one-third their face value.

Such were the main items of the government program for 1864. Armed with this, Davis braced himself for the great task of making head against the enemies that now surrounded the Confederacy. It is an axiom of military science that when one combatant possesses the interior line, the other can offset this advantage only by exerting coincident pressure all round, thus preventing him from shifting his forces from one front to

another. On this principle, the Northern strategists had at last completed their gigantic plan for a general envelopment of the whole Confederate defense both by land and sea. Grant opened operations by crossing the Rapidan and telegraphing Sherman to advance into Georgia.

The stern events of the spring of 1864 form such a famous page in military history that the sober civil story of those months appears by comparison lame and impotent. Nevertheless, the Confederate Government during those months was at least equal to its chief obligation: it supplied and recruited the armies. With Grant checked at Cold Harbor, in June, and Sherman still unable to pierce the western line, the hopes of the Confederates were high.

In the North there was corresponding gloom. This was the moment when all Northern opponents of the war drew together in their last attempt to shatter the Lincoln Government and make peace with the Confederacy. The value to the Southern cause of this Northern movement for peace at any price was keenly appreciated at Richmond. Trusted agents of the Confederacy were even then in Canada working deftly to influence Northern sentiment. The negotiations with those

Northern secret societies which befriended the South belong properly in the story of Northern politics and the presidential election of 1864. They were skillfully conducted chiefly by Jacob Thompson and C. C. Clay. The reports of these agents throughout the spring and summer were all hopeful and told of "many intelligent men from the United States" who sought them out in Canada for political consultations. They discussed "our true friends from the Chicago (Democratic) convention" and even gave names of those who, they were assured, would have seats in McClellan's Cabinet. They were really not well informed upon Northern affairs, and even after the tide had turned against the Democrats in September, they were still priding themselves on their diplomatic achievement, still confident they had helped organize a great political power, had "given a stronger impetus to the peace party of the North than all other causes combined, and had greatly reduced the strength of the war party."

While Clay and Thompson built their house of cards in Canada, the Richmond Government bent anxious eyes on the western battlefront. Sherman, though repulsed in his one frontal attack at Kennesaw Mountain, had steadily worked his way by

the left flank of the Confederate army, until in early July he was within six miles of Atlanta. All the lower South was a-tremble with apprehension. Deputations were sent to Richmond imploring the removal of Johnston from the western command. What had he done since his appointment in December but retreat? Such was the tenor of public opinion. "It is all very well to talk of Fabian policy," said one of his detractors long afterward, "and now we can see we were rash to say the least. But at the time, all of us went wrong together. Everybody clamored for Johnston's removal." Johnston and Davis were not friends; but the President hesitated long before acting. And yet, with each day, political as well as military necessity grew more imperative. Both at Washington and Richmond the effect that the fighting in Georgia had on Northern opinion was seen to be of the first importance. Sherman was staking everything to break the Confederate line and take Atlanta. He knew that a great victory would have incalculable effect on the Northern election. Davis knew equally well that the defeat of Sherman would greatly encourage the peace party in the North. But he had no general of undoubted genius whom he could put in Johnston's place. However, the

necessity for a bold stroke was so undeniable, and Johnston appeared so resolute to continue his Fabian policy, that Davis reluctantly took a desperate chance and superseded him by Hood.

During August, though the Democratic convention at Chicago drew up its platform favoring peace at any price, the anxiety of the Southern President did not abate his activities. The safety of the western line was now his absorbing concern. And in mid-August that line was turned, in a way, by Farragut's capture of Mobile Bay. As the month closed, Sherman, despite the furious blows delivered by Hood, was plainly getting the upper hand. North and South, men watched that tremendous duel with the feeling that the foundations of things were rocking. At last, on the 2d of September, Sherman, victorious, entered Atlanta.

## CHAPTER VIII

### A GAME OF CHANCE

WITH dramatic completeness in the summer and autumn of 1864, the foundations of the Confederate hope one after another gave way. Among the causes of this catastrophe was the failure of the second great attempt on the part of the Confederacy to secure recognition abroad. The subject takes us back to the latter days of 1862, when the center of gravity in foreign affairs had shifted from London to Paris. Napoleon III, at the height of his strange career, playing half a dozen dubious games at once, took up a new pastime and played at intrigue with the Confederacy. In October he accorded a most gracious interview to Slidell. He remarked that his sympathies were entirely with the South but added that, if he acted alone, England might trip him up. He spoke of his scheme for joint intervention by England, France, and Russia. Then he asked why we had

not created a navy. Slidell snapped at the bait. He said that the Confederates would be glad to build ships in France, that "if the Emperor would give only some kind of verbal assurance that the police would not observe too closely when we wished to put on guns and men we would gladly avail ourselves of it." To this, the imperial trickster replied, "Why could you not have them built as for the Italian Government? I do not think it would be difficult but will consult the Minister of Marine about it."

Slidell left the Emperor's presence confident that things would happen. And they did. First came Napoleon's proposal of intervention, which was declined before the end of the year by England and Russia. Then came his futile overtures to the Government at Washington, his offer of mediation — which was rejected early in 1863. But Slidell remained confident that something else would happen. And in this expectation also he was not disappointed. The Emperor was deeply involved in Mexico and was busily intriguing throughout Europe. This was the time when Erlanger, standing high in the favor of the Emperor, made his gambler's proposal to the Confederate authorities about cotton. Another of the Emperor's friends

now enters the play. On January 7, 1863, M. Arman, of Bordeaux, "the largest shipbuilder in France," had called on the Confederate commissioner: M. Arman would be happy to build ironclad ships for the Confederacy, and as to paying for them, cotton bonds might do the trick.

No wonder Slidell was elated, so much so that he seems to have given little heed to the Emperor's sinister intimation that the whole affair must be subterranean. But the wily Bonaparte had not forgotten that six months earlier he had issued a decree of neutrality forbidding Frenchmen to take commissions from either belligerent "for the armament of vessels of war or to accept letters of marque, or to coöperate in any way whatsoever in the equipment or arming of any vessel of war or corsair of either belligerent." He did not intend to abandon publicly this cautious attitude — at least, not for the present. And while Slidell at Paris was completely taken in, the cooler head of A. Dudley Mann, Confederate commissioner at Brussels, saw what an international quicksand was the favor of Napoleon. It was about this time that Napoleon, having dispatched General Forey with a fresh army to Mexico, wrote the famous letter which gave notice to the world of what he was about. Mann



wrote home in alarm that the Emperor might be expected to attempt recovering Mexico's ancient areas including Texas. Slidell saw in the Forey letter only "views . . . which will not be gratifying to the Washington Government."

The adroit Arman, acting on hints from high officers of the Government, applied for permission to build and arm ships of war, alleging that he intended to send them to the Pacific and sell them to either China or Japan. To such a laudable expression of commercial enterprise, one of his fellows in the imperial ring, equipped with proper authority under Bonaparte, hastened to give official approbation, and Erlanger came forward by way of financial backer. There were conferences of Confederate agents; contracts were signed; plans were agreed upon; and the work was begun.

There was no more hopeful man in the Confederate service than Slidell when, in the full flush of pride after Chancellorsville, he appealed to the Emperor to cease waiting on other powers and recognize the Confederacy. Napoleon accorded another gracious interview but still insisted that it was impossible for him to act alone. He said that he was "more fully convinced than ever of the propriety of a general recognition by the European

powers of the Confederate States but that the commerce of France and the interests of the Mexican expedition would be jeopardized by a rupture with the United States" and unless England would stand by him he dared not risk such an eventuality. In point of fact, he was like a speculator who is "hedging" on the stock exchange, both buying and selling, and trying to make up his mind on which cast to stake his fortune. At the same time he threw out once more the sinister caution about the ships. He said that the ships might be built in France but that their destination must be concealed.

That Napoleon's choice just then, if England had supported him, would have been recognition of the Confederacy, cannot be doubted. The tangle of intrigue which he called his foreign policy was not encouraging. He was deeply involved in Italian politics, where the daring of Garibaldi had reopened the struggle between clericals and liberals. In France itself the struggle between parties was keen. Here, as in the American imbroglio, he found it hard to decide with which party to break. The chimerical scheme of a Latin empire in Mexico was his spectacular device to catch the imagination, and incidentally the pocketbook, of every-

body. But in order to carry out this enterprise he must be able to avert or withstand the certain hostility of the United States. Therefore, as he told Slidell, "no other power than England possessed a sufficient navy" to pull his chestnuts out of the fire. The moment was auspicious, for there was a revival of the "Southern party" in England. The sailing of the *Alabama* from Liverpool during the previous summer had encouraged the Confederate agents and their British friends to undertake further shipbuilding.

While M. Arman was at work in France, the Laird Brothers were at work in England and their dockyards contained two ironclad rams supposed to outclass any vessels of the United States navy. Though every effort had been made to keep secret the ultimate destination of these rams, the vigilance of the United States minister, reinforced by the zeal of the "Northern party," detected strong circumstantial evidence pointing toward a Confederate contract with the Lairds. A popular agitation ensued along with demands upon the Government to investigate. To mask the purposes of the Lairds, Captain James Bullock, the able special agent of the Confederate navy, was forced to fall back upon the same tactics that were being used

across the Channel, and to sell the rams, on paper, to a firm in France. Neither he nor Slidell yet appreciated what a doubtful refuge was the shadow of Napoleon's wing.

Nevertheless the British Government, by this time practically alined with the North, continued its search for the real owner of the Laird rams. The "Southern party," however, had not quite given up hope, and the agitation to prevent the sailing of the rams was a keen spur to its flagging zeal. Furthermore the prestige of Lee never was higher than it was in June, 1863, when the news of Chancellorsville was still fresh and resounding in every mind. It had given new life to the Confederate hope: Lee would take Washington before the end of the summer; the Laird rams would go to sea; the Union would be driven to the wall. So reasoned the ardent friends of the South. But one thing was lacking — a European alliance. What a time for England to intervene!

While Slidell was talking with the Emperor, he had in his pocket a letter from J. A. Roebuck, an English politician who wished to force the issue in the House of Commons. As a preliminary to moving the recognition of the Confederacy, he wanted authority to deny a rumor going the

rounds in London, to the effect that Napoleon had taken position against intervention. Napoleon, when he had seen the letter, began a negotiation of some sort with this politician. It is needless to enter into the complications that ensued, the subsequent recriminations, and the question as to just what Napoleon promised at this time and how many of his promises he broke. He was a diplomat of the old school, the school of lying as a fine art. He permitted Roebuck to come over to Paris for an audience, and Roebuck went away with the impression that Napoleon could be relied upon to back up a new movement for recognition. When, however, Roebuck brought the matter before the Commons at the end of the month and encountered an opposition from the Government that seemed to imply an understanding with Napoleon which was different from his own, he withdrew his motion (in July). Once more the scale turned against the Confederacy, and Gettysburg was supplemented by the seizure of the Laird rams by the British authorities. These events explain the bitter turn given to Confederate feeling toward England in the latter part of 1863. On the 4th of August Benjamin wrote to Mason that "the perusal of the recent debates in Parliament satisfies the President" that Mason's

"continued residence in London is neither conducive to the interests nor consistent with the dignity of this government," and directed him to withdraw to Paris.

Confederate feeling, as it cooled toward England, warmed toward France. Napoleon's Mexican scheme, including the offer of a ready-made imperial crown to Maximilian, the brother of the Emperor of Austria, was fully understood at Richmond; and with Napoleon's need of an American ally, Southern hope revived. It was further strengthened by a pamphlet which was translated and distributed in the South as a newspaper article under the title *France, Mexico, and the Confederate States*. The reputed author, Michel Chevalier, was an imperial senator, another member of the Napoleon ring, and highly trusted by his shifty master. The pamphlet, which emphasized the importance of Southern independence as a condition of Napoleon's "beneficent aims" in Mexico, was held to have been inspired, and the imperial denial was regarded as a mere matter of form.

What appeared to be significant of the temper of the Imperial Government was a decree of a French court in the case of certain merchants who sought

to recover insurance on wine dispatched to America and destroyed in a ship taken by the *Alabama*. Their plea was that they were insured against loss by "pirates." The court dismissed their suit and assessed costs against them. Further evidence of Napoleon's favor was the permission given to the Confederate cruiser *Florida* to repair at Brest and even to make use of the imperial dockyard. The very general faith in Napoleon's promises was expressed by Davis in his message to Congress in December: "Although preferring our own government and institutions to those of other countries, we can have no disposition to contest the exercise by them of the same right of self-government which we assert for ourselves. If the Mexican people prefer a monarchy to a republic, it is our plain duty cheerfully to acquiesce in their decision and to evince a sincere and friendly interest in their prosperity. . . . The Emperor of the French has solemnly disclaimed any purpose to impose on Mexico a form of government not acceptable to the nation. . . ." In January, 1864, hope of recognition through support of Napoleon's Mexican policy moved the Confederate Congress to adopt resolutions providing for a Minister to the Mexican Empire and giving him instructions with



regard to a presumptive treaty. To the new post Davis appointed General William Preston.

But what, while hope was springing high in America, was taking place in France? So far as the world could say, there was little if anything to disturb the Confederates; and yet, on the horizon, a cloud the size of a man's hand had appeared. M. Arman had turned to another member of the Legislative Assembly, a sound Bonapartist like himself, M. Voruz, of Nantes, to whom he had sublet a part of the Confederate contract. The truth about the ships and their destination thus became part of the archives of the Voruz firm. No phase of Napoleonic intrigue could go very far without encountering dishonesty, and to the confidential clerk of M. Voruz there occurred the bright idea of doing something for himself with this valuable diplomatic information. One fine day the clerk was missing and with him certain papers. Then there ensued a period of months during which the firm and their employers could only conjecture the full extent of their loss.

In reality, from the Confederate point of view, everything was lost. Again the episode becomes too complex to be followed in detail. Suffice it to say that the papers were sold to the United States;



that the secret was exposed; that the United States made a determined assault upon the Imperial Government. In the midst of this entanglement, Slidell lost his head, for hope deferred when apparently within reach of its end is a dangerous councilor of state. In his extreme anxiety, Slidell sent to the Emperor a note the blunt rashness of which the writer could not have appreciated. Saying that he feared the Emperor's subordinates might play into the hands of Washington, he threw his fat in the fire by speaking of the ships as "now being constructed at Bordeaux and Nantes for the government of the Confederate States" and virtually claimed of Napoleon a promise to let them go to sea. Three days later the Minister of Foreign Affairs took him sharply to task because of this note, reminding him that "what had passed with the Emperor was confidential" and dropping the significant hint that France could not be forced into war by "indirection." According to Slidell's version of the interview "the Minister's tone changed completely" when Slidell replied with "a detailed history of the affair showing that the idea originated with the Emperor." Perhaps the Minister knew more than he chose to betray.

From this hour the game was up. Napoleon's purpose all along seems to have been quite plain. He meant to help the South to win by itself, and, after it had won, to use it for his own advantage. So precarious was his position in Europe that he dared not risk an American war without England's aid, and England had cast the die. In this way, secrecy was the condition necessary to continued building of the ships. Now that the secret was out, Napoleon began to shift his ground. He sounded the Washington Government and found it suspiciously equivocal as to Mexico. To silence the French republicans, to whom the American minister had supplied information about the ships, Napoleon tried at first muzzling the press. But as late as February, 1864, he was still carrying water on both shoulders. His Minister of Marine notified the builders that they must get the ships out of France, unarmed, under fictitious sale to some neutral country. The next month, reports which the Confederate commissioners sent home became distinctly alarming. Mann wrote from Brussels: "Napoleon has enjoined upon Maximilian to hold no official relations with our commissioners in Mexico." Shortly after this Slidell received a shock that was the beginning of the end: Maximilian,

on passing through Paris on his way to Mexico, refused to receive him.

The Mexican project was now being condemned by all classes in France. Nevertheless, the Government was trying to float a Mexican loan, and it is hardly fanciful to think that on this loan the last hope of the Confederacy turned. Despite the popular attitude toward Mexico, the loan was going well when the House of Representatives of the United States dealt the Confederacy a staggering blow. It passed unanimous resolutions in the most grim terms, denouncing the substitution of monarchical for republican government in Mexico under European auspices. When this action was reported in France, the Mexican loan collapsed.

Napoleon's Italian policy was now moving rapidly toward the crisis which it reached during the following summer when he surrendered to the opposition and promised to withdraw the French troops from Rome. In May, when the loan collapsed, there was nothing for it but to throw over his dear friends of the Confederacy. Presently he had summoned Arman before him, "rated him severely," and ordered him to make *bona fide* sales of the ships to neutral powers. The Minister of Marine professed surprise and indignation at

Arman's trifling with the neutrality of the Imperial Government. And that practically was the end of the episode.

Equally complete was the breakdown of the Confederate negotiations with Mexico. General Preston was refused recognition. In those fierce days of July when the fate of Atlanta was in the balance, the pride and despair of the Confederate Government flared up in a haughty letter to Preston reminding him that "it had never been the intention of this Government to offer any arguments to the new Government of Mexico . . . nor to place itself in any attitude other than that of complete equality," and directing him to make no further overtures to the Mexican Emperor.

And then came the *débâcle* in Georgia. On that same 20th of September when Benjamin poured out in a letter to Slidell his stored-up bitterness denouncing Napoleon, Davis, feeling the last crisis was upon him, left Richmond to join the army in Georgia. His frame of mind he had already expressed when he said, "We have no friends abroad."

## CHAPTER IX

### DESPERATE REMEDIES

THE loss of Atlanta was the signal for another conflict of authority within the Confederacy. Georgia was now in the condition in which Alabama had found herself in the previous year. A great mobile army of invaders lay encamped on her soil. And yet there was still a state Government established at the capital. Inevitably the man who thought of the situation from the point of view of what we should now call the general staff, and the man who thought of it from the point of view of a citizen of the invaded State, suffered each an intensification of feeling, and each became determined to solve the problem in his own way. The President of the Confederacy and the Governor of Georgia represented these incompatible points of view.

The Governor, Joseph E. Brown, is one of the puzzling figures of Confederate history. We have already encountered him as a dogged opponent of

the Administration. With the whole fabric of Southern life toppling about his ears, Brown argued, quibbled, evaded, and became a rallying-point of disaffection. That more eminent Georgian, Howell Cobb, applied to him very severe language, and they became engaged in a controversy over that provision of the Conscription Act which exempted state officials from military service. While the Governor of Virginia was refusing certificates of exemption to the minor civil officers such as justices of the peace, Brown by proclamation promised his "protection" to the most insignificant civil servants. "Will even your Excellency," demanded Cobb, "certify that in any county of Georgia twenty justices of the peace and an equal number of constables are necessary for the proper administration of the state government?" The Bureau of Conscription estimated that Brown kept out of the army approximately 8000 eligible men. The truth seems to be that neither by education nor heredity was this Governor equipped to conceive large ideas. He never seemed conscious of the war as a whole, or of the Confederacy as a whole. To defend Georgia and, if that could not be done, to make peace for Georgia — such in the mind of Brown was the aim of the war. His restless

jealousy of the Administration finds its explanation in his fear that it would denude his State of men. The seriousness of Governor Brown's opposition became apparent within a week of the fall of Atlanta. Among Hood's forces were some 10,000 Georgia militia. Brown notified Hood that these troops had been called out solely with a view to the defense of Atlanta, that since Atlanta had been lost they must now be permitted "to return to their homes and look for a time after important interests," and that therefore he did "withdraw said organizations" from Hood's command. In other words, Brown was afraid that they might be taken out of the State. By proclamation he therefore gave the militia a furlough of thirty days. Previous to the issue of this proclamation, Seddon had written to Brown making requisition for his 10,000 militia to assist in a pending campaign against Sherman. Two days after his proclamation had appeared, Brown, in a voluminous letter full of blustering rhetoric and abounding in sneers at the President, demanded immediate reinforcements by order of the President and threatened that, if they were not sent, he would recall the Georgia troops from the army of Lee and would command "all the sons of Georgia to return to



their own State and within their own limits to rally round her glorious flag."

So threatening was the situation in Georgia that Davis attempted to take it into his own hands. In a grim frame of mind he left Richmond for the front. The resulting military arrangements do not of course belong strictly to the subject-matter of this volume; but the brief tour of speechmaking which Davis made in Georgia and the interior of South Carolina must be noticed; for his purpose seems to have been to put the military point of view squarely before the people. He meant them to see how the soldier looked at the situation, ignoring all demands of locality, of affiliation, of hardship, and considering only how to meet and beat the enemy. In his tense mood he was not always fortunate in his expressions. At Augusta, for example, he described Beauregard, whom he had recently placed in general command over Georgia and South Carolina, as one who would do whatever the President told him to do. But this idea of military self-effacement was not happily worded, and the enemies of Davis seized on his phraseology as further evidence of his instinctive autocracy. The *Mercury* compared him to the Emperor of Russia and declared the tactless remark to be "as



insulting to General Beauregard as it is false and presumptuous in the President."

Meanwhile Beauregard was negotiating with Brown. Though they came to an understanding about the disposition of the militia, Brown still tried to keep control of the state troops. When Sherman was burning Atlanta preparatory to the March to the Sea, Brown addressed to the Secretary of War another interminable epistle, denouncing the Confederate authorities and asserting his willingness to fight both the South and the North if they did not both cease invading his rights. But the people of Georgia were better balanced than their Governor. Under the leadership of such men as Cobb they rose to the occasion and did their part in what proved a vain attempt to conduct a "people's war." Their delegation at Richmond sent out a stirring appeal assuring them that Davis was doing for them all it was possible to do. "Let every man fly to arms," said the appeal. "Remove your negroes, horses, cattle, and provisions from before Sherman's army, and burn what you cannot carry. Burn all bridges and block up the roads in his route. Assail the invader in front, flank, and rear, by night and by day. Let him have no rest."

The Richmond Government was unable to detach any considerable force from the northern front. Its contribution to the forces in Georgia was accomplished by such pathetic means as a general order calling to the colors all soldiers furloughed or in hospital, "except those unable to travel"; by revoking all exemptions to farmers, planters, and mechanics, except munitions workers; and by placing one-fifth of the ordnance and mining bureau in the battle service.

All the world knows how futile were these endeavors to stop the whirlwind of desolation that was Sherman's march. He spent his Christmas Day in Savannah. Then the center of gravity shifted from Georgia to South Carolina. Throughout the two desperate months that closed 1864 the authorities of South Carolina had vainly sought for help from Richmond. Twice the Governor made official request for the return to South Carolina of some of her own troops who were at the front in Virginia. Davis first evaded and then refused the request. Lee had informed him that if the forces on the northern front were reduced, the evacuation of Richmond would become inevitable.

The South Carolina Government, in December, 1864, seems to have concluded that the State must

save itself. A State Conscription Act was passed placing all white males between the ages of sixteen and sixty at the disposal of the state authorities for emergency duty. An Exemption Act set forth a long list of persons who should not be liable to conscription by the Confederate Government. Still a third act regulated the impressment of slaves for work on fortifications so as to enable the state authorities to hold a check upon the Confederate authorities. The significance of the three statutes was interpreted by a South Carolina soldier, General John S. Preston, in a letter to the Secretary of War that was a wail of despair. "This legislation is an explicit declaration that this State does not intend to contribute another soldier or slave to the public defense, except on such terms as may be dictated by her authorities. The example will speedily be followed by North Carolina and Georgia, the Executives of those States having already assumed the position."

The division between the two parties in South Carolina had now become bitter. To Preston the men behind the State Exemption Act appeared as "designing knaves." The *Mercury*, on the other hand, was never more relentless toward Davis than in the winter of 1864-1865. However, none or

almost none of the anti-Davis men in South Carolina made the least suggestion of giving up the struggle. To fight to the end but also to act as a check upon the central Government — as the new Governor, Andrew G. Magrath, said in his inaugural address in December, 1864, — was the aim of the dominant party in South Carolina. How far the State Government and the Confederate Government had drifted apart is shown by two comments which were made in January, 1865. Lee complained that the South Carolina regiments, “much reduced by hard service,” were not being recruited up to their proper strength because of the measures adopted in the southeastern States to retain conscripts at home. About the same date the *Mercury* arraigned Davis for leaving South Carolina defenseless in the face of Sherman’s coming offensive, and asked whether Davis intended to surrender the Confederacy.

And in the midst of this critical period, the labor problem pushed to the fore again. The revocation of industrial details, necessary as it was, had put almost the whole male population — in theory, at least — in the general Confederate army. How far-reaching was the effect of this order may be judged from the experience of the Columbia and

Augusta Railroad Company. This road was building through the interior of the State a new line which was rendered imperatively necessary by Sherman's seizure of the lines terminating at Savannah. The effect of the revocation order on the work in progress was described by the president of the road in a letter to the Secretary of War:

In July and August I made a fair beginning and by October we had about 600 hands. General Order No. 77 took off many of our contractors and hands. We still had increased the number of hands to about 400 when Sherman started from Atlanta. The military authorities of Augusta took about 300 of them to fortify that city. These contractors being from Georgia returned with their slaves to their homes after being discharged at Augusta. We still have between 500 and 600 hands at work and are adding to the force every week.

The great difficulty has been in getting contractors exempt or definitely detailed since Order No. 77. I have not exceeded eight or nine contractors now detailed. The rest are exempt from other causes or over age.

It was against such a background of economic confusion that Magrath wrote to the Governor of North Carolina making a revolutionary proposal. Virtually admitting that the Confederacy had been shattered, and knowing the disposition of those in authority to see only the military aspects of any

given situation, he prophesied two things: that the generals would soon attempt to withdraw Lee's army south of Virginia, and that the Virginia troops in that army would refuse to go. "It is natural under the circumstances," said he, "that they would not." He would prepare for this emergency by an agreement among the Southeastern and Gulf States to act together irrespective of Richmond, and would thus weld the military power of these States into "a compact and organized mass."

Governor Vance, with unconscious subtlety, etched a portrait of his own mind when he replied that the crisis demanded "particularly the skill of the politician perhaps more than that of the great general." He adroitly evaded saying what he really thought of the situation but he made two explicit counter-proposals. He suggested that a demand should be made for the restoration of General Johnston and for the appointment of General Lee to "full and absolute command of all the forces of the Confederacy." On the day on which Vance wrote to Magrath, the *Mercury* lifted up its voice and cried out for a Lee to take charge of the Government and save the Confederacy. About the same time Cobb wrote to Davis in the

most friendly way, warning him that he had scarcely a supporter left in Georgia and that, in view of the great popular reaction in favor of Johnston, concessions to the opposition were an imperative necessity. "By accident," said he, "I have become possessed of the facts in connection with the proposed action of the Governors of certain States." He disavowed any sympathy with the movement but warned Davis that it was a serious menace.

Two other intrigues added to the general political confusion. One of these, the "Peace Movement," will be considered in the next chapter. The other was closely connected with the alleged conspiracy to depose Davis and set up Lee as dictator. If the traditional story, accepted by able historians, may be believed, William C. Rives, of the Confederate Congress, carried in January, 1865, to Lee from a congressional cabal an invitation to accept the rôle of Cromwell. The greatest difficulty in the way of accepting the tradition is the extreme improbability that any one who knew anything of Lee would have been so foolish as to make such a proposal. Needless to add, the tradition includes Lee's refusal to overturn the Government.



There can be no doubt, however, that all the enemies of Davis in Congress and out of it, in the opening months of 1865, made a determined series of attacks upon his Administration. Nor can there be any doubt that the popular faith in Lee was used as their trump card. To that end, a bill was introduced to create the office of commanding general of the Confederate armies. The bill was generally applauded, and every one assumed that the new office was to be given to Lee. On the day after the bill had passed the Senate the Virginia Legislature resolved that the appointment of General Lee to supreme command would "reanimate the spirit of the armies as well as the people of the several States and . . . inspire increased confidence in the final success of the cause." When the bill was sent to the President, it was accompanied by a resolution asking him to restore Johnston. While Davis was considering this bill, the Virginia delegation in the House, headed by the Speaker, Thomas S. Bocock, waited upon the President, informed him what was really wanted was a change of Cabinet, and told him that three-fourths of the House would support a resolution of want of confidence in the Cabinet. The next day Bocock repeated the demand in a



note which Davis described as a "warning if not a threat."

The situation of both President and country was now desperate. The program with which the Government had entered so hopefully upon this fated year had broken down at almost every point. In addition to the military and administrative disasters, the financial and economic situation was as bad as possible. So complete was the financial breakdown that Secretary Memminger, utterly disheartened, had resigned his office, and the Treasury was now administered by a Charleston merchant, George A. Trenholm. But the financial chaos was wholly beyond his control. The government notes reckoned in gold were worth about three cents on the dollar. The Government itself avoided accepting them. It even bought up United States currency and used it in transacting the business of the army. The extent of the financial collapse was to be measured by such incidents as the following which is recounted in a report that had passed under Davis's eye only a few weeks before the "threat" of Boccock was uttered: "Those holding the four per cent certificates complain that the Government as far as possible discredits them. Fractions of hundreds cannot be

paid with them. I saw a widow lady, a few days since, offer to pay her taxes of \$1,271.31 with a certificate of \$1,300. The tax-gatherer refused to give her the change of \$28.69. She then offered the whole certificate for the taxes. This was refused. This apparent injustice touched her far more than the amount of the taxes."

A letter addressed to the President from Griffin, Georgia, contained this dreary picture:

Unless something is done and that speedily, there will be thousands of the best citizens of the State and heretofore as loyal as any in the Confederacy, that will not care one cent which army is victorious in Georgia. . . . Since August last there have been thousands of cavalry and wagon trains feeding upon our cornfields and for which our quartermasters and officers in command of trains, regiments, battalions, companies, and squads, have been giving the farmers receipts, and we were all told these receipts would pay our government taxes and tithing; and yet not one of them will be taken by our collector. . . . And yet we are threatened with having our lands sold for taxes. Our scrip for corn used by our generals will not be taken. . . . How is it that we have certified claims upon our Government, past due ten months, and when we enter the quartermaster's office we see placed up conspicuously in large letters "no funds." Some of these said quartermasters [who] four years ago were not worth the clothes upon their backs, are now large dealers in lands, negroes, and real estate.

There was almost universal complaint that government contractors were speculating in supplies and that the Impressment Law was used by officials to cover their robbery of both the Government and the people. Allowing for all the panic of the moment, one is forced to conclude that the smoke is too dense not to cover a good deal of fire. In a word, at the very time when local patriotism everywhere was drifting into opposition to the general military command and when Congress was reflecting this widespread loss of confidence, the Government was loudly charged with inability to restrain graft. In all these accusations there was much injustice. Conditions that the Government was powerless to control were cruelly exaggerated, and the motives of the Government were falsified. For all this exaggeration and falsification the press was largely to blame. Moreover, the press, at least in dangerously large proportion, was schooling the people to hold Davis personally responsible for all their suffering. General Bragg was informed in a letter from a correspondent in Mobile that "men have been taught to look upon the President as an inexorably self-willed man who will see the country to the devil before giving up an opinion or a purpose."

This deliberate fostering of an anti-Davis spirit might seem less malicious if the fact were not known that many editors detested Davis because of his desire to abolish the exemption of editors from conscription. Their ignoble course brings to mind one of the few sarcasms recorded of Lee — the remark that the great mistake of the South was in making all its best military geniuses editors of newspapers. But it must be added in all fairness that the great opposition journals, such as the *Mercury*, took up this new issue with the President because they professed to see in his attitude toward the press a determination to suppress freedom of speech, so obsessed was the opposition with the idea that Davis was a monster! Whatever explanations may be offered for the prevalence of graft, the impotence of the Government at Richmond contributed to the general demoralization. In regions like Georgia and Alabama, the Confederacy was now powerless to control its agents. Furthermore, in every effort to assume adequate control of the food situation the Government met the continuous opposition of two groups of opponents — the unscrupulous parasites and the bigots of economic and constitutional theory. Of the activities of the first group, one incident is sufficient

to tell the whole story. At Richmond, in the autumn of 1864, the grocers were selling rice at two dollars and a half a pound. It happened that the Governor of Virginia was William Smith, one of the strong men of the Confederacy who has not had his due from the historians. He saw that even under the intolerable conditions of the moment this price was shockingly exorbitant. To remedy matters, the Governor took the State of Virginia into business, bought rice where it was grown, imported it, and sold it in Richmond at fifty cents a pound, with sufficient profit to cover all costs of handling.

Nevertheless, when Smith urged the Virginia Legislature to assume control of business as a temporary measure, he was at once assailed by the second group — those martinets of constitutionalism who would not give up their cherished Anglo-Saxon tradition of complete individualism in government. The Administration lost some of its staunchest supporters the moment its later organ, the *Sentinel*, began advocating the general regulation of prices. With ruin staring them in the face, these devotees of tradition could only reiterate their ancient formulas, nail their colors to the mast, and go down, satisfied that, if they failed with these principles, they would have failed still more

terribly without them. Confronting the practical question how to prevent speculators from charging 400 per cent profit, these men turned grim but did not abandon their theory. In the latter part of 1864 they alined themselves with the opposition when the government commissioners of impressment fixed an official schedule that boldly and ruthlessly cut under market prices. The attitude of many such people was expressed by the *Montgomery Mail* when it said:

“The tendency of the age, the march of the American people, is toward monarchy, and unless the tide is stopped we shall reach something worse than monarchy.

“Every step we have taken during the past four years has been in the direction of military despotism.

“Half our laws are unconstitutional.”

Another danger of the hour was the melting away of the Confederate army under the very eyes of its commanders. The records showed that there were 100,000 absentees. And though the wrathful officials of the Bureau of Conscription labeled them all “deserters,” the term covered great numbers who had gone home to share the sufferings of their families.

Such in brief was the fateful background of the congressional attack upon the Administration in January, 1865. Secretary Seddon, himself a Virginian, believing that he was the main target of the hostility of the Virginia delegation, insisted upon resigning. Davis met this determination with firmness, not to say infatuation, and in spite of the congressional crisis, exhausted every argument to persuade Seddon to remain in office. He denied the right of Congress to control his Cabinet, but he was finally constrained to allow Seddon to retire. The bitterness inspired by these attempts to coerce the President may be gaged by a remark attributed to Mrs. Davis. Speaking of the action of Congress in forcing upon him the new plan for a single commanding general of all the armies, she is said to have exclaimed, "I think I am the proper person to advise Mr. Davis and if I were he, I would die or be hung before I would submit to the humiliation."

Nevertheless the President surrendered to Congress. On January 26, 1865, he signed the bill creating the office of commanding general and at once bestowed the office upon Lee. It must not be supposed, however, that Lee himself had the slightest sympathy with the congressional cabal which



had forced upon the President this reorganization of the army. In accepting his new position he pointedly ignored Congress by remarking, "I am indebted alone to the kindness of His Excellency, the President, for my nomination to this high and arduous office."

The popular clamor for the restoration of Johnston had still to be appeased. Disliking Johnston and knowing that the opposition was using a popular general as a club with which to beat himself, Davis hesitated long but in the end yielded to the inevitable. To make the reappointment himself, however, was too humiliating. He left it to the new commander-in-chief, who speedily restored Johnston to command.



## CHAPTER X

### DISINTEGRATION

WHILE these factions, despite their disagreements, were making valiant efforts to carry on the war, other factions were stealthily cutting the ground from under them. There were two groups of men ripe for disaffection — original Unionists unreconciled to the Confederacy and indifferentists conscripted against their will.

History has been unduly silent about these disaffected men. At the time so real was the belief in state rights that contemporaries were reluctant to admit that any Southerner, once his State had seceded, could fail to be loyal to its commands. Nevertheless in considerable areas — such, for example, as East Tennessee — the majority remained to the end openly for the Union, and there were large regions in the South to which until quite recently the eye of the student had not been turned. They were like deep shadows under mighty trees

on the face of a brilliant landscape. When the peasant Unionist who had been forced into the army deserted, however, he found in these shadows a nucleus of desperate men ready to combine with him in opposition to the local authorities.

Thus were formed local bands of free companions who pillaged the civilian population. The desperadoes whom the deserters joined have been described by Professor Dodd as the "neglected by-products" of the old régime. They were broken white men, or the children of such, of the sort that under other circumstances have congregated in the slums of great cities. Though the South lacked great cities, nevertheless it had its slum — a widespread slum, scattered among its swamps and forests. In these fastnesses were the lowest of the poor whites, in whom hatred of the dominant whites and vengeful malice against the negro burned like slow fires. When almost everywhere the countryside was stripped of its fighting men, these wretches emerged from their swamps and forests, like the Paris rabble emerging from its dens at the opening of the Revolution. But unlike the Frenchmen, they were too sodden to be capable of ideas. Like predatory wild beasts they revenged themselves upon the society that had cast them

off, and with utter heartlessness they smote the now defenseless negro. In the old days, with the country well policed, the slaves had been protected against their fury, but war now changed all. The negro villages — or “streets,” as the term was — were without arms and without white police within call. They were ravaged by these marauders night after night, and negroes were not the only victims, for in remote districts even murder of the whites became a familiar horror.

The antiwar factions were not necessarily, however, users of violence. There were some men who cherished a dream which they labeled “reconstruction”; and there were certain others who believed in separate state action, still clinging to the illusion that any State had it in its power to escape from war by concluding a separate peace with the United States.

Yet neither of these illusions made much headway in the States that had borne the strain of intellectual leadership. Virginia and South Carolina, though seldom seeing things eye to eye and finally drifting in opposite directions, put but little faith in either “reconstruction” or separate peace. Their leaders had learned the truth about men and nations; they knew that life is a grim business; they

knew that war had unloosed passions that had to spend themselves and that could not be talked away.

But there was scattered over the Confederacy a population which lacked experience of the world and which included in the main those small farmers and semipeasants who under the old régime were released from the burden of taxation and at the same time excluded from the benefits of education. Among these people the illusions of the higher classes were reflected without the ballast of mentality. Ready to fight on any provocation, yet circumscribed by their own natures, not understanding life, unable to picture to themselves different types and conditions, these people were as prone as children to confuse the world of their own desire with the world of fact. When hardship came, when taxation fell upon them with a great blow, when the war took a turn that necessitated imagination for its understanding and faith for its pursuit, these people with childlike simplicity immediately became panic-stricken. Like the similar class in the North, they had measureless faith in talk. Hence for them, as for Horace Greeley and many another, sprang up the notion that if only all their sort could be brought together

for talk and talk and yet more talk, the Union could be "reconstructed" just as it used to be, and the cruel war would end. Before their eyes, as before Greeley in 1864, danced the *fata morgana* of a convention of all the States, talking, talking, talking.

The peace illusion centered in North Carolina, where the people were as enthusiastic for state sovereignty as were any Southerners. They had seceded mainly because they felt that this principle had been attacked. Having themselves little if any intention to promote slavery, they nevertheless were prompt to resent interference with the system or with any other Southern institution. Jonathan Worth said that they looked on both abolition and secession as children of the devil, and he put the responsibility for the secession of his State wholly upon Lincoln and his attempt to coerce the lower South. This attitude was probably characteristic of all classes in North Carolina. There also an unusually large percentage of men lacked education and knowledge of the world. We have seen how the first experience with taxation produced instant and violent reaction. The peasant farmers of the western counties and the general mass of the people began to distrust the

planter class. They began asking if their allies, the other States, were controlled by that same class which seemed to be crushing them by the exaction of tithes. And then the popular cry was raised: Was there after all anything in the war for the masses in North Carolina? Had they left the frying-pan for the fire? Could they better things by withdrawing from association with their present allies and going back alone into the Union? The delusion that they could do so whenever they pleased and on the old footing seems to have been widespread. One of their catch phrases was "the Constitution as it is and the Union as it was." Throughout 1863, when the agitation against tithes was growing every day, the "conservatives" of North Carolina, as their leaders named them, were drawing together in a definite movement for peace. This project came to a head during the next year in those grim days when Sherman was before Atlanta. Holden, that champion of the opposition to tithes, became a candidate for Governor against Vance, who was standing for reëlection. Holden stated his platform in the organ of his party: "If the people of North Carolina are for perpetual conscriptions, impressments and seizures to keep up a perpetual, devastating and exhausting war,

let them vote for Governor Vance, for he is for 'fighting it out now'; but if they believe, from the bitter experience of the last three years, that the sword can never end it, and are in favor of steps being taken by the State to urge negotiations by the general government for an honorable and speedy peace, they must vote for Mr. Holden."

As Holden, however, was beaten by a vote that stood about three to one, Governor Vance continued in power, but just what he stood for and just what his supporters understood to be his policy would be hard to say. A year earlier he was for attempting to negotiate peace, but though professing to have come over to the war party he was never a cordial supporter of the Confederacy. In a hundred ways he played upon the strong local distrust of Richmond, and upon the feeling that North Carolina was being exploited in the interests of the remainder of the South. To cripple the efficiency of Confederate conscription was one of his constant aims. Whatever his views of the struggle in which he was engaged, they did not include either an appreciation of Southern nationalism or the strategist's conception of war. Granted that the other States were merely his allies, Vance pursued a course that might justly have aroused



their suspicion, for so far as he was able he devoted the resources of the State wholly to the use of its own citizens. The food and the manufactures of North Carolina were to be used solely by its own troops, not by troops of the Confederacy raised in other States. And yet, subsequent to his reëlection, he was not a figure in the movement to negotiate peace.

Meanwhile in Georgia, where secession had met with powerful opposition, the policies of the Government had produced discontent not only with the management of the war but with the war itself. And now Alexander H. Stephens becomes, for a season, very nearly the central figure of Confederate history. Early in 1864 the new act suspending the writ of *habeas corpus* had aroused the wrath of Georgia, and Stephens had become the mouthpiece of the opposition. In an address to the Legislature, he condemned in most exaggerated language not only the *Habeas Corpus* Act but also the new Conscription Act. Soon afterward he wrote a long letter to Herschel V. Johnson, who, like himself, had been an enemy of secession in 1861. He said that if Johnson doubted that the *Habeas Corpus* Act was a blow struck at the very "vitals of liberty," then he "would not believe



though one were to rise from the dead." In this extraordinary letter Stephens went on "most confidentially" to state his attitude toward Davis thus: "While I do not and never have regarded him as a great man or statesman on a large scale, or a man of any marked genius, yet I have regarded him as a man of good intentions, weak and vacillating, timid, petulant, peevish, obstinate, but not firm. Am now beginning to doubt his good intentions. . . . His whole policy on the organization and discipline of the army is perfectly consistent with the hypothesis that he is aiming at absolute power."

That a man of Stephens's ability should have dealt in fustian like this in the most dreadful moment of Confederate history is a psychological problem that is not easily solved. To be sure, Stephens was an extreme instance of the martinet of constitutionalism. He reminds us of those old-fashioned generals of whom Macaulay said that they preferred to lose a battle according to rule than win it by an exception. Such men find it easy to transform into a bugaboo any one who appears to them to be acting irregularly. Stephens in his own mind had so transformed the President. The enormous difficulties and the wholly

abnormal circumstances which surrounded Davis counted with Stephens for nothing at all, and he reasoned about the Administration as if it were operating in a vacuum. Having come to this extraordinary position, Stephens passed easily into a rôle that verged upon treason.<sup>1</sup>

Peace talk was now in the air, and especially was there chatter about reconstruction. The illusionists seemed unable to perceive that the reelection of Lincoln had robbed them of their last card. These dreamers did not even pause to wonder why

<sup>1</sup> There can be no question that Stephens never did anything which in his own mind was in the least disloyal. And yet it was Stephens who, in the autumn of 1864, was singled out by artful men as a possible figurehead in the conduct of a separate peace negotiation with Sherman. A critic very hostile to Stephens and his faction might here raise the question as to what was at bottom the motive of Governor Brown, in the autumn of 1864, in withdrawing the Georgia militia from Hood's command. Was there something afoot that has never quite revealed itself on the broad pages of history? As ordinarily told, the story is simply that certain desperate Georgians asked Stephens to be their ambassador to Sherman to discuss terms; that Sherman had given them encouragement; but that Stephens avoided the trap, and so nothing came of it. The recently published correspondence of Toombs, Stephens, and Cobb, however, contains one passage that has rather a startling sound. Brown, writing to Stephens regarding his letter refusing to meet Sherman, says, "It keeps the door open and I think this is wise." At the same time he made a public statement that "Georgia has power to act independently but her faith is pledged by implication to her Southern sisters . . . will triumph with her Southern sisters or sink with them in common ruin." It is still to be discovered what "door" Stephens was supposed to have kept open.

after the terrible successes of the Federal army in Georgia, Lincoln should be expected to reverse his policy and restore the Union with the Southern States on the old footing. The peace mania also invaded South Carolina and was espoused by one of its Congressmen, Mr. Boyce, but he made few converts among his own people. The *Mercury* scouted the idea; clear-sighted and disillusioned, it saw the only alternatives to be victory or subjugation. Boyce's argument was that the South had already succumbed to military despotism and would have to endure it forever unless it accepted the terms of the invaders. News of Boyce's attitude called forth vigorous protest from the army before Petersburg, and even went so far afield as New York, where it was discussed in the columns of the *Herald*.

In the midst of the Northern elections, when Davis was hoping great things from the anti-Lincoln men, Stephens had said in print that he believed Davis really wished the Northern peace party defeated, whereupon Davis had written to him demanding reasons for this astounding charge. To the letter, which had missed Stephens at his home and had followed him late in the year to Richmond, Stephens wrote in the middle of December a long reply which is one of the most curious

documents in American history. He justified himself upon two grounds. One was a statement which Davis had made in a speech at Columbia, in October, indicating that he was averse to the scheme of certain Northern peace men for a convention of all the States. Stephens insisted that such a convention would have ended the war and secured the independence of the South. Davis cleared himself on this charge by saying that the speech at Columbia "was delivered after the publication of McClellan's letter avowing his purpose to force reunion by war if we declined reconstruction when offered, and therefore warned the people against delusive hopes of peace from any other influence than that to be exerted by the manifestation of an unconquerable spirit."

As Stephens professed to have independence and not reconstruction for his aim, he had missed his mark with this first shot. He fared still worse with the second. During the previous spring a Northern soldier captured in the southeast had appealed for parole on the ground that he was a secret emissary to the President from the peace men of the North. Davis, who did not take him seriously, gave orders to have the case investigated, but Stephens, whose mentality in this period is so

curiously overcast, swallowed the prisoner's story without hesitation. He and Davis had a considerable amount of correspondence on the subject. In the fierce tension of the summer of 1864 the War Department went so far as to have the man's character investigated, but the report was unsatisfactory. He was not paroled and died in prison. This episode Stephens now brought forward as evidence that Davis had frustrated an attempt of the Northern peace party to negotiate. Davis contented himself with replying, "I make no comment on this."

The next step in the peace intrigue took place at the opening of the next year, 1865. Stephens attempted to address the Senate on his favorite topic, the wickedness of the suspension of *habeas corpus*; was halted by a point of parliamentary law; and when the Senate sustained an appeal from his decision, left the chamber in a pique. Hunter, now a Senator, became an envoy to placate him and succeeded in bringing him back. Thereupon Stephens poured out his soul in a furious attack upon the Administration. He ended by submitting resolutions which were just what he might have submitted four years earlier before a gun had been fired, so entirely had his mind crystallized in the

stress of war! These resolutions, besides reasserting the full state rights theory, assumed the readiness of the North to make peace and called for a general convention of all the States to draw up some new arrangement on a confessed state rights basis. More than a month before, Lincoln had been reëlected on an unequivocal nationalistic platform. And yet Stephens continued to believe that the Northerners did not mean what they said and that in congregated talking lay the magic which would change the world of fact into the world of his own desire.

At this point in the peace intrigue the ambiguous figure of Napoleon the Little reappears, though only to pass ghostlike across the back of the stage. The determination of Northern leaders to oppose Napoleon had suggested to shrewd politicians a possible change of front. That singular member of the Confederate Congress, Henry S. Foote, thought he saw in the Mexican imbroglio means to bring Lincoln to terms. In November he had introduced into the House resolutions which intimated that "it might become the true policy of . . . the Confederate States to consent to the yielding of the great principle embodied in the Monroe Doctrine." The House referred his

resolutions to the Committee on Foreign Affairs, and there they slumbered until January.

Meanwhile a Northern politician brought on the specter of Napoleon for a different purpose. Early in January, 1865, Francis P. Blair made a journey to Richmond and proposed to Davis a plan of reconciliation involving the complete abandonment of slavery, the reunion of all the States, and an expedition against Mexico in which Davis was to play the leading rôle. Davis cautiously refrained from committing himself, though he gave Blair a letter in which he expressed his willingness to enter into negotiations for peace between "the two countries." The visit of Blair gave new impetus to the peace intrigue. The Confederate House Committee on Foreign Affairs reported resolutions favoring an attempt to negotiate with the United States so as to "bring into view" the possibility of coöperation between the United States and the Confederacy to maintain the Monroe Doctrine. The same day saw another singular incident. For some reason that has never been divulged Foote determined to counter-balance Blair's visit to Richmond by a visit of his own to Washington. In attempting to pass through the Confederate lines he was arrested by



the military authorities. With this fiasco Foote passes from the stage of history.

The doings of Blair, however, continued to be a topic of general interest throughout January. The military intrigue was now simmering down through the creation of the office of commanding general. The attempt of the congressional opposition to drive the whole Cabinet from office reached a compromise in the single retirement of the Secretary of War. Before the end of the month the peace question was the paramount one before Congress and the country. Newspapers discussed the movements of Blair, apparently with little knowledge, and some of the papers asserted hopefully that peace was within reach. Cooler heads, such as the majority of the Virginia Legislature, rejected this idea as baseless. The *Mercury* called the peace party the worst enemy of the South. Lee was reported by the Richmond correspondent of the *Mercury* as not caring a fig for the peace project. Nevertheless the rumor persisted that Blair had offered peace on terms that the Confederacy could accept. Late in the month, Davis appointed Stephens, Hunter, and John A. Campbell commissioners to confer with the Northern authorities with regard to peace.



There followed the famous conference of February 3, 1865, in the cabin of a steamer at Hampton Roads, with Seward and Lincoln. The Confederate commissioners represented two points of view: that of the Administration, unwilling to make peace without independence; and that of the infatuated Stephens who clung to the idea that Lincoln did not mean what he said, and who now urged "an armistice allowing the States to adjust themselves as suited their interests. If it would be to their interests to reunite, they would do so." The refusal of Lincoln to consider either of these points of view — the refusal so clearly foreseen by Davis — put an end to the career of Stephens. He was "hoist with his own petard."

The news of the failure of the conference was variously received. The *Mercury* rejoiced because there was now no doubt how things stood. Stephens, unwilling to coöperate with the Administration, left the capital and went home to Georgia. At Richmond, though the snow lay thick on the ground, a great public meeting was held on the 6th of February in the precincts of the African Church. Here Davis made an address which has been called his greatest and which produced a profound impression. A wave of enthusiasm swept

over Richmond, and for a moment the President appeared once more to be master of the situation. His immense audacity carried the people with him when, after showing what might be done by more drastic enforcement of the conscription laws, he concluded: "Let us then unite our hands and our hearts, lock our shields together, and we may well believe that before another summer solstice falls upon us, it will be the enemy that will be asking us for conferences and occasions in which to make known our demands."

## CHAPTER XI

### AN ATTEMPTED REVOLUTION

ALMOST from the moment when the South had declared its independence voices had been raised in favor of arming the negroes. The rejection of a plan to accomplish this was one of the incidents of Benjamin's tenure of the portfolio of the War Department; but it was not until the early days of 1864, when the forces of Johnston lay encamped at Dalton, Georgia, that the arming of the slaves was seriously discussed by a council of officers. Even then the proposal had its determined champions, though there were others among Johnston's officers who regarded it as "contrary to all true principles of chivalric warfare," and their votes prevailed in the council by a large majority.

From that time forward the question of arming the slaves hung like a heavy cloud over all Confederate thought of the war. It was discussed in the army and at home around troubled firesides.

Letters written from the trenches at Petersburg show that it was debated by the soldiers, and the intense repugnance which the idea inspired in some minds was shown by threats to leave the ranks if the slaves were given arms.

Amid the pressing, obvious issues of 1864, this project hardly appears upon the face of the record until it was alluded to in Davis's message to Congress in November, 1864, and in the annual report of the Secretary of War. The President did not as yet ask for slave soldiers. He did, however, ask for the privilege of buying slaves for government use — not merely hiring them from their owners as had hitherto been done — and for permission, if the Government so desired, to emancipate them at the end of their service. The Secretary of War went farther, however, and advocated negro soldiers, and he too suggested their emancipation at the end of service.

This feeling of the temper of the country, so to speak, produced an immediate response. It drew Rhett from his retirement and inspired a letter in which he took the Government severely to task for designing to remove from state control this matter of fundamental importance. Coinciding with the cry for more troops with which to confront Sher-

man, the topic of negro soldiers became at once one of the questions of the hour. It helped to focus that violent anti-Davis movement which is the conspicuous event of December, 1864, and January, 1865. Those who believed the President unscrupulous trembled at the thought of putting into his hands a great army of hardy barbarians trained to absolute obedience. The prospect of such a weapon held in one firm hand at Richmond seemed to those opponents of the President a greater menace to their liberties than even the armies of the invaders. It is quite likely that distrust of Davis and dread of the use he might make of such a weapon was increased by a letter from Benjamin to Frederick A. Porcher of Charleston, a supporter of the Government, who had made rash suggestions as to the extraconstitutional power that the Administration might be justified by circumstances in assuming. Benjamin deprecated such suggestions but concluded with the unfortunate remark: "If the Constitution is not to be our guide I would prefer to see it suppressed by a revolution which should declare a dictatorship during the war, after the manner of ancient Rome, leaving to the future the care of reëstablishing firm and regular government."

In the State of Virginia, indeed, the revolutionary suggestions of the President's message and the Secretary's report were promptly taken up and made the basis of a political program, which Governor Smith embodied in his message to the Legislature — a document that will eventually take its place among the most interesting state papers of the Confederacy. It should be noted that the suggestions thrown out in this way by the Administration to test public feeling involved three distinct questions: Should the slaves be given arms? Should they, if employed as soldiers, be given their freedom? Should this revolutionary scheme, if accepted at all, be handled by the general Government or left to the several States? On the last of the three questions the Governor of Virginia was silent; by implication he treated the matter as a concern of the States. Upon the first and second questions, however, he was explicit and advised arming the slaves. He then added:

Even if the result were to emancipate our slaves, there is not a man who would not cheerfully put the negro into the Army rather than become a slave himself to our hated and vindictive foe. It is, then, simply a question of time. Has the time arrived when this issue is fairly before us? . . . For my part standing before God and my country, I do not hesitate to say that I would

arm such portion of our able-bodied slave population as may be necessary, and put them in the field, so as to have them ready for the spring campaign, even if it resulted in the freedom of those thus organized. Will I not employ them to fight the negro force of the enemy? Aye, the Yankees themselves, who already boast that they have 200,000 of our slaves in arms against us. Can we hesitate, can we doubt, when the question is, whether the enemy shall use our slaves against us or we use them against him; when the question may be between liberty and independence on the one hand, or our subjugation and utter ruin on the other?

With their Governor as leader for the Administration, the Virginians found this issue the absorbing topic of the hour. And now the great figure of Lee takes its rightful place at the very center of Confederate history, not only military but civil, for to Lee the Virginia politicians turned for advice.<sup>1</sup> In a letter to a State Senator of Virginia who had asked for a public expression of Lee's

<sup>1</sup> Lee now revealed himself in his previously overlooked capacity of statesman. Whether his abilities in this respect equaled his abilities as a soldier need not here be considered; it is said that he himself had no high opinion of them. However, in the advice which he gave at this final moment of crisis, he expressed a definite conception of the articulation of civil forces in such a system as that of the Confederacy. He held that all initiative upon basal matters should remain with the separate States, that the function of the general Government was to administer, not to create conditions, and that the proper power to constrain the State Legislatures was the flexible, extra-legal power of public opinion.

views because "a mountain of prejudices, growing out of our ancient modes of regarding the institution of Southern slavery will have to be met and overcome" in order to attain unanimity, Lee discussed both the institution of slavery and the situation of the moment. He plainly intimated that slavery should be placed under state control; and, assuming such control, he considered "the relation of master and slave . . . the best that can exist between the black and white races while intermingled as at present in this country." He went on to show, however, that military necessity now compelled a revolution in sentiment on this subject, and he came at last to this momentous conclusion:

Should the war continue under existing circumstances, the enemy may in course of time penetrate our country and get access to a large part of our negro population. It is his avowed policy to convert the able-bodied men among them into soldiers, and to emancipate all. . . . His progress will thus add to his numbers, and at the same time destroy slavery in a manner most pernicious to the welfare of our people. Their negroes will be used to hold them in subjection, leaving the remaining force of the enemy free to extend his conquest. Whatever may be the effect of our employing negro troops, it cannot be as mischievous as this. If it end in subverting slavery it will be accomplished by ourselves, and we can



devise the means of alleviating the evil consequences to both races. I think, therefore, we must decide whether slavery shall be extinguished by our enemies and the slaves be used against us, or use them ourselves at the risk of the effects which may be produced upon our social institutions. . . .

The reasons that induce me to recommend the employment of negro troops at all render the effect of the measures . . . upon slavery immaterial, and in my opinion the best means of securing the efficiency and fidelity of this auxiliary force would be to accompany the measure with a well-digested plan of gradual and general emancipation. As that will be the result of the continuance of the war, and will certainly occur if the enemy succeed, it seems to me most advisable to adopt it at once, and thereby obtain all the benefits that will accrue to our cause. . . .

I can only say in conclusion, that whatever measures are to be adopted should be adopted at once. Every day's delay increases the difficulty. Much time will be required to organize and discipline the men, and action may be deferred until it is too late.

Lee wrote these words on January 11, 1865. At that time a fresh wave of despondency had gone over the South because of Hood's rout at Nashville; Congress was debating intermittently the possible arming of the slaves; and the newspapers were prophesying that the Administration would presently force the issue. It is to be observed that Lee did not advise Virginia to wait for Confederate

action. He advocated emancipation by the State. After all, to both Lee and Smith, Virginia was their "country."

During the next sixty days Lee rejected two great opportunities — or, if you will, put aside two great temptations. If tradition is to be trusted, it was during January that Lee refused to play the rôle of Cromwell by declining to intervene directly in general Confederate politics. But there remained open the possibility of his intervention in Virginia politics, and the local crisis was in its own way as momentous as the general crisis. What if Virginia had accepted the views of Lee and insisted upon the immediate arming of the slaves? Virginia, however, did not do so; and Lee, having made public his position, refrained from further participation. Politically speaking, he maintained a splendid isolation at the head of the armies.

Through January and February the Virginia crisis continued undetermined. In this period of fateful hesitation, the "mountains of prejudice" proved too great to be undermined even by the influence of Lee. When at last Virginia enacted a law permitting the arming of her slaves, no provision was made for their manumission.

Long before the passage of this act in Virginia, Congress had become the center of the controversy. Davis had come to the point where no tradition however cherished would stand, in his mind, against the needs of the moment. To reinforce the army in great strength was now his supreme concern, and he saw but one way to do it. As a last resort he was prepared to embrace the bold plan which so many people still regarded with horror and which as late as the previous November he himself had opposed. He would arm the slaves. On February 10, 1865, bills providing for the arming of the slaves were introduced both in the House and in the Senate.

On this issue all the forces both of the Government and the opposition fought their concluding duel in which were involved all the other basal issues that had distracted the country since 1862. Naturally there was a bewildering criss-cross of political motives. There were men who, like Smith and Lee, would go along with the Government on emancipation, provided it was to be carried out by the free will of the States. There were others who preferred subjugation to the arming of the slaves; and among these there were clashings of motive. Then, too, there were those

who were willing to arm the slaves but were resolved not to give them their freedom.

The debate brings to the front of the political stage the figure of R. M. T. Hunter. Hitherto his part has not been conspicuous either as Secretary of State or as Senator from Virginia. He now becomes, in the words of Davis, "a chief obstacle" to the passage of the Senate bill which would have authorized a levy of negro troops and provided for their manumission by the War Department with the consent of the State in which they should be at the time of the proposed manumission. After long discussion, this bill was indefinitely postponed. Meanwhile a very different bill had dragged through the House. While it was under debate, another appeal was made to Lee. Barksdale, who came as near as any one to being the leader of the Administration, sought Lee's aid. Again the General urged the enrollment of negro soldiers and their eventual manumission, but added this immensely significant proviso:

I have no doubt that if Congress would authorize their [the negroes'] reception into service, and empower the President to call upon individuals or States for such as they are willing to contribute, with the condition of emancipation to all enrolled, a sufficient number would

be forthcoming to enable us to try the experiment [of determining whether the slaves would make good soldiers]. If it proved successful, most of the objections to the measure would disappear, and if individuals still remained unwilling to send their negroes to the army, the force of public opinion in the States would soon bring about such legislation as would remove all obstacles. I think the matter should be left, as far as possible, to the people and to the States, which alone can legislate as the necessities of this particular service may require.

The fact that Congress had before it this advice from Lee explains why all factions accepted a compromise bill, passed on the 9th of March, approved by the President on the 13th of March, and issued to the country in a general order on the 23d of March. It empowered the President to "ask for and accept from the owners of slaves" the service of such number of negroes as he saw fit, and if sufficient number were not offered to "call on each State . . . for her quota of 300,000 troops . . . to be raised from such classes of the population, irrespective of color, in each State as the proper authorities thereof may determine." However, "nothing in this act shall be construed to authorize a change in the relation which the said slaves shall bear toward their owners, except by consent of the owners and of the States in which

they may reside and in pursuance of the laws thereof."

The results of this act were negligible. Its failure to offer the slave-soldier his freedom was at once seized upon by critics as evidence of the futility of the course of the Administration. The sneer went round that the negro was to be made to fight for his own captivity. Pollard — whose words, however, must be taken with a grain of salt — has left this account of recruiting under the new act: "Two companies of blacks, organized from some negro vagabonds in Richmond, were allowed to give balls at the Libby Prison and were exhibited in fine fresh uniforms on Capitol Square as decoys to obtain recruits. But the mass of their colored brethren looked on the parade with unenvious eyes, and little boys exhibited the early prejudices of race by pelting the fine uniforms with mud."

Nevertheless both Davis and Lee busied themselves in the endeavor to raise black troops. Governor Smith coöperated with them. And in the mind of the President there was no abandonment of the program of emancipation, which was now his cardinal policy. Soon after the passage of the act, he wrote to Smith: "I am happy to receive your assurance of success [in raising black troops],

as well as your promise to seek legislation to secure unmistakable freedom to the slave who shall enter the Army, with a right to return to his old home, when he shall have been honorably discharged from military service."

While this final controversy was being fought out in Congress, the enthusiasm for the Administration had again ebbed. Its recovery of prestige had run a brief course and was gone, and now in the midst of the discussion over the negro soldiers' bills, the opposition once more attacked the Cabinet, with its old enemy, Benjamin, as the target. Resolutions were introduced into the Senate declaring that "the retirement of the Honorable Judah P. Benjamin from the State Department will be subservient of the public interests"; in the House resolutions were offered describing his public utterances as "derogatory to his position as a high public functionary of the Confederate Government, a reflection on the motives of Congress as a deliberative body, and an insult to public opinion."

So Congress wrangled and delayed while the wave of fire that was Sherman's advance moved northward through the Carolinas. Columbia had gone up in smoke while the Senate debated day



after day — fifteen in all — what to do with the compromise bill sent up to it from the House. It was during this period that a new complication appears to have been added to a situation which was already so hopelessly entangled, for this was the time when Governor Magrath made a proposal to Governor Vance for a league within the Confederacy, giving as his chief reason that Virginia's interests were parting company with those of the lower South. The same doubt of the upper South appears at various times in the *Mercury*. And through all the tactics of the opposition runs the constant effort to discredit Davis. The *Mercury* scoffed at the agitation for negro soldiers as a mad attempt on the part of the Administration to remedy its "myriad previous blunders."

In these terrible days, the mind of Davis hardened. He became possessed by a lofty and intolerant confidence, an absolute conviction that, in spite of all appearances, he was on the threshold of success. We may safely ascribe to him in these days that illusory state of mind which has characterized some of the greatest of men in their overstrained, concluding periods. His extraordinary promises in his later messages, a series of vain prophecies beginning with his speech at the African



Church, remind one of Napoleon after Leipzig refusing the Rhine as a boundary. His nerves, too, were all but at the breaking-point. He sent the Senate a scolding message because of its delay in passing the Negro Soldiers' Bill. The Senate answered in a report that was sharply critical of his own course. Shortly afterward Congress adjourned refusing his request for another suspension of the writ of *habeas corpus*.

Davis had hinted at important matters he hoped soon to be able to submit to Congress. What he had in mind was the last, the boldest, stroke of this period of desperation. The policy of emancipation he and Benjamin had accepted without reserve. They had at last perceived, too late, the power of the anti-slavery movement in Europe. Though they had already failed to coerce England through cotton and had been played with and abandoned by Napoleon, they persisted in thinking that there was still a chance for a third chapter in their foreign affairs.

The agitation to arm the slaves, with the promise of freedom, had another motive besides the reinforcement of Lee's army: it was intended to serve as a basis for negotiations with England and France. To that end D. J. Kenner was dispatched to Europe

early in 1865. Passing through New York in disguise, he carried word of this revolutionary program to the Confederate commissioners abroad. A conference at Paris was held by Kenner, Mason, and Slidell. Mason, who had gone over to England to sound Palmerston with regard to this last Confederate hope, was received on the 14th of March. On the previous day, Davis had accepted temporary defeat, by signing the compromise bill which omitted emancipation. But as there was no cable operating at the time, Mason was not aware of this rebuff. In his own words, he "urged upon Lord P. that if the President was right in his impression that there was some latent, undisclosed obstacle on the part of Great Britain to recognition, it should be frankly stated, and we might, if in our power to do so, consent to remove it." Palmerston, though his manner was "conciliatory and kind," insisted that there was nothing "underlying" his previous statements, and that he could not, in view of the facts then existing, regard the Confederacy in the light of an independent power. Mason parted from him convinced that "the most ample concessions on our part in the matter referred to would have produced no change in the course determined on by the British Government

with regard to recognition." In a subsequent interview with Lord Donoughmore, he was frankly told that the offer of emancipation had come too late.

The dispatch in which Mason reported the attitude of the British Government never reached the Confederate authorities. It was dated the 31st of March. Two days later Richmond was evacuated by the Confederate Government.

## CHAPTER XII

### THE LAST WORD

THE evacuation of Richmond broke the back of the Confederate defense. Congress had adjourned. The legislative history of the Confederacy was at an end. The executive history still had a few days to run. After destroying great quantities of records, the government officials had packed the remainder on a long train that conveyed the President and what was left of the civil service to Danville. During a few days, Danville was the Confederate capital. There, Davis, still unable to conceive defeat, issued his pathetic last *Address to the People of the Confederate States*. His mind was crystallized. He was no longer capable of judging facts. In as confident tones as ever he promised his people that they should yet prevail; he assured Virginians that even if the Confederate army should withdraw further south the withdrawal would be but temporary, and that "again and

again will we return until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a people resolved to be free."

The surrender at Appomattox on April 9, 1865, compelled another migration of the dwindling executive company. General Johnston had not yet surrendered. A conference which he had with the President and the Cabinet at Greensboro ended in giving him permission to negotiate with Sherman. Even then Davis was still bent on keeping up the fight; yet, though he believed that Sherman would reject Johnston's overtures, he was overtaken at Charlotte on his way South by the crushing news of Johnston's surrender. There the executive history of the Confederacy came to an end in a final Cabinet meeting. Davis, still blindly resolute to continue the struggle, was deeply distressed by the determination of his advisers to abandon it. In imminent danger of capture, the President's party made its way to Abbeville, where it broke up, and each member sought safety as best he could. Davis with a few faithful men rode to Irwinsville, Georgia, where, in the early morning of the 10th of May, he was surprised and captured. But the history of the Confederacy was not quite

at an end. The last gunshots were still to be fired far away in Texas on the 13th of May. The surrender of the forces of the Trans-Mississippi on May 26, 1865, brought the war to a definite conclusion.

There remains one incident of these closing days, the significance of which was not perceived until long afterward, when it immediately took its rightful place among the determining events of American history. The unconquerable spirit of the Army of Northern Virginia found its last expression in a proposal which was made to Lee by his officers. If he would give the word, they would make the war a duel to the death; it should drag out in relentless guerrilla struggles; and there should be no pacification of the South until the fighting classes had been exterminated. Considering what those classes were, considering the qualities that could be handed on to their posterity, one realizes that this suicide of a whole people, of a noble fighting people, would have maimed incalculably the America of the future. But though the heroism of this proposal of his men to die on their shields had its stern charm for so brave a man as Lee, he refused to consider it. He would not admit that he and his people had a right thus to extinguish their power

to help mold the future, no matter whether it be the future they desired or not. The result of battle must be accepted. The Southern spirit must not perish, luxuriating blindly in despair, but must find a new form of expression, must become part of the new world that was to be, must look to a new birth under new conditions. In this spirit he issued to his army his last address:

After four years of arduous service, marked by unsurpassed courage and fortitude, the Army of Northern Virginia has been compelled to yield to overwhelming numbers and resources. I need not tell the survivors of so many hard-fought battles, who have remained steadfast to the last, that I have consented to the result from no distrust of them; but feeling that valor and devotion could accomplish nothing that could compensate for the loss that would have attended the continuation of the contest, I determined to avoid the useless sacrifice of those whose past services have endeared them to their countrymen. . . . I bid you an affectionate farewell.

How inevitably one calls to mind, in view of the indomitable valor of Lee's final decision, those great lines from Tennyson:

Tho' much is taken, much abides; and tho'  
We are not now that strength which in old days  
Moved earth and heaven; that which we are, we are;  
One equal temper of heroic hearts,  
Made weak by time and fate, but strong in will.





## BIBLIOGRAPHICAL NOTE

THERE is no adequate history of the Confederacy. It is rumored that a distinguished scholar has a great work approaching completion. It is also rumored that another scholar, well equipped to do so, will soon bring out a monumental life of Davis. But the fact remains that as yet we lack a comprehensive review of the Confederate episode set in proper perspective. Standard works such as the *History of the United States from the Compromise of 1850*, by J. F. Rhodes (7 vols., 1893–1906), even when otherwise as near a classic as is the work of Mr. Rhodes, treat the Confederacy so externally as to have in this respect little value. The one searching study of the subject, *The Confederate States of America*, by J. C. Schwab (1901), though admirable in its way, is wholly overshadowed by the point of view of the economist. The same is to be said of the article by Professor Schwab in the 11th edition of *The Encyclopædia Britannica*.

Two famous discussions of the episode by participants are: *The Rise and Fall of the Confederate Government*, by the President of the Confederacy (2 vols., 1881), and *A Constitutional View of the Late War Between the States*, by Alexander H. Stephens (2 vols., 1870). Both works, though invaluable to the student, are tinged with controversy, each of the eminent

authors aiming to refute the arguments of political antagonists.

The military history of the time has so overshadowed the civil, in the minds of most students, that we are still sadly in need of careful, disinterested studies of the great figures of Confederate civil affairs. *Jefferson Davis*, by William E. Dodd (*American Crisis Biographies*, 1907), is the standard life of the President, superseding older ones. Not so satisfactory in the same series is *Judah P. Benjamin*, by Pierce Butler (1907), and *Alexander H. Stephens*, by Louis Pendleton (1907). Older works which are valuable for the material they contain are: *Memoir of Jefferson Davis*, by his Wife (1890); *The Life and Times of Alexander H. Stephens*, by R. M. Johnston and W. M. Browne (1878); *The Life and Times of William Lowndes Yancey*, by J. W. Du Bose (1892); *The Life, Times, and Speeches of Joseph E. Brown*, by Herbert Fielder (1883); *Public Life and Diplomatic Correspondence of James M. Mason*, by his Daughter (1903); *The Life and Time of C. G. Memminger*, by H. D. Capers (1893). The writings of E. A. Pollard cannot be disregarded, but must be taken as the violent expression of an extreme partizan. They include a *Life of Jefferson Davis* (1869) and *The Lost Cause* (1867). A charming series of essays is *Confederate Portraits*, by Gamaliel Bradford (1914). Among books on special topics that are to be recommended are: *The Diplomatic History of the Southern Confederacy* by J. M. Callahan (1901); *France and the Confederate Navy*, by John Bigelow (1888); and *The Secret Service of the Confederate States in Europe*, by J. D. Bulloch (2 vols., 1884). There is a large number of contemporary accounts of life in the Confederacy. Historians have

generally given excessive attention to *A Rebel War Clerk's Diary at the Confederate States Capital*, by J. B. Jones (2 vols., 1866) which has really neither more nor less value than a Richmond newspaper. Conspicuous among writings of this type is the delightful *Diary from Dixie*, by Mrs. Mary B. Chestnut (1905) and *My Diary, North and South*, by W. H. Russell (1862).

The documents of the civil history, so far as they are accessible to the general reader, are to be found in the three volumes forming the fourth series of the *Official Records of the Union and Confederate Armies* (128 vols., 1880-1901); the *Journals of the Congress of the Confederate States* (8 vols., 1904) and *Messages and Papers of the Confederacy*, edited by J. D. Richardson (2 vols., 1905). Four newspapers are of first importance: the famous opposition organs, the Richmond *Examiner* and the Charleston *Mercury*, which should be offset by the two leading organs of the Government, the *Courier* of Charleston and the *Enquirer* of Richmond. The Statutes of the Confederacy have been collected and published; most of them are also to be found in the fourth series of the *Official Records*.

Additional bibliographical references will be found appended to the articles on the *Confederate States of America*, *Secession*, and *Jefferson Davis*, in *The Encyclopædia Britannica*, 11th edition.



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PART II  
THE SEQUEL OF APPOMATTOX  
A CHRONICLE  
OF THE REUNION OF THE STATES  
BY  
WALTER LYNWOOD FLEMING

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# THE SEQUEL OF APPOMATTOX

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## CHAPTER I

### THE AFTERMATH OF WAR

WHEN the armies of the Union and of the Confederacy were disbanded in 1865, two matters had been settled beyond further dispute: the negro was to be free, and the Union was to be perpetuated. But though slavery and state sovereignty were no longer at issue, there were still many problems which pressed for solution. The huge task of reconstruction must be faced. The nature of the situation required that the measures of reconstruction be first formulated in Washington by the victors and then worked out in the conquered South. Since the success of these policies would depend in a large measure upon their acceptability to both sections of the country, it was expected that the North would be influenced to some extent

by the attitude of the Southern people, which in turn would be determined largely by local conditions in the South. The situation in the South at the close of the Civil War is therefore the point at which this narrative of the reconstruction naturally takes its beginning.

The surviving Confederate soldiers came straggling back to communities which were now far from being satisfactory dwelling places for civilized people. Everywhere they found missing many of the best of their former neighbors. They found property destroyed, the labor system disorganized, and the inhabitants in many places suffering from want. They found the white people demoralized and sometimes divided among themselves, and the negroes free, bewildered, and disorderly, for organized government had lapsed with the surrender of the Confederate armies.

Beneath a disorganized society lay a devastated land. The destruction of property affected all classes of the population. The accumulated capital of the South had disappeared in worthless Confederate stocks, bonds, and currency. The banks had failed early in the war. Two billion dollars invested in slaves had been wiped out. Factories which had been running before the war, or



were developed after 1861 in order to supply the blockaded country, had been destroyed by Federal raiders or seized and sold or dismantled because they had furnished supplies to the Confederacy. Mining industries were paralyzed. Public buildings which had been used for war purposes were destroyed or confiscated for the uses of the army or for the new freedmen's schools. It was months before courthouses, state capitols, school and college buildings were again made available for normal uses. The military school buildings had been destroyed by the Federal forces. Among the schools which suffered were the Virginia Military Institute, the University of Alabama, the Louisiana State Seminary, and many smaller institutions. Nearly all these had been used in some way for war purposes and were therefore subject to destruction or confiscation.

The farmers and planters found themselves "land poor." The soil remained, but there was a prevalent lack of labor, of agricultural equipment, of farm stock, of seeds, and of money with which to make good the deficiency. As a result, a man with hundreds of acres might be as poor as a negro refugee. The desolation is thus described by a Virginia farmer:

From Harper's Ferry to New Market, which is about eighty miles . . . the country was almost a desert. . . . We had no cattle, hogs, sheep, or horse or anything else. The fences were all gone. Some of the orchards were very much injured, but the fruit trees had not been destroyed. The barns were all burned; chimneys standing without houses, and houses standing without roof, or door, or window.

Much land was thrown on the market at low prices—three to five dollars an acre for land worth fifty dollars. The poorer lands could not be sold at all, and thousands of farms were deserted by their owners. Everywhere recovery from this agricultural depression was slow. Five years after the war Robert Somers, an English traveler, said of the Tennessee Valley:

It consists for the most part of plantations in a state of semi-ruin and plantations of which the ruin is for the present total and complete. . . . The trail of war is visible throughout the valley in burnt-up gin-houses, ruined bridges, mills, and factories . . . and in large tracts of once cultivated land stripped of every vestige of fencing. The roads, long neglected, are in disorder, and having in many places become impassable, new tracks have been made through the woods and fields without much respect to boundaries.

Similar conditions existed wherever the armies had passed, and not in the country districts alone.

Many of the cities, such as Richmond, Charleston, Columbia, Jackson, Atlanta, and Mobile had suffered from fire or bombardment.

There were few stocks of merchandise in the South when the war ended, and Northern creditors had lost so heavily through the failure of Southern merchants that they were cautious about extending credit again. Long before 1865 all coin had been sent out in contraband trade through the blockade. That there was a great need of supplies from the outside world is shown by the following statement of General Boynton:

Window-glass has given way to thin boards, in railway coaches and in the cities. Furniture is marred and broken, and none has been replaced for four years. Dishes are cemented in various styles, and half the pitchers have tin handles. A complete set of crockery is never seen, and in very few families is there enough to set a table. . . . A set of forks with whole tines is a curiosity. Clocks and watches have nearly all stopped. . . . Hair brushes and tooth brushes have all worn out; combs are broken. . . . Pins, needles, and thread, and a thousand such articles, which seem indispensable to housekeeping, are very scarce. Even in weaving on the looms, corncobs have been substituted for spindles. Few have pocket knives. In fact, everything that has heretofore been an article of sale at the South is wanting now. At the tables of those who were once esteemed luxurious providers you will find neither tea, coffee,

sugar, nor spices of any kind. Even candles, in some cases, have been replaced by a cup of grease in which a piece of cloth is plunged for a wick.

This poverty was prolonged and rendered more acute by the lack of transportation. Horses, mules, wagons, and carriages were scarce, the country roads were nearly impassable, and bridges were in bad repair or had been burned or washed away. Steamboats had almost disappeared from the rivers. Those which had escaped capture as blockade runners had been subsequently destroyed or were worn out. Postal facilities, which had been poor enough during the last year of the Confederacy, were entirely lacking for several months after the surrender.

The railways were in a state of physical dilapidation little removed from destruction, save for those that had been captured and kept in partial repair by the Federal troops. The rolling stock had been lost by capture, by destruction to prevent capture, in wrecks, which were frequent, or had been worn out. The railroad companies possessed large sums in Confederate currency and in securities which were now valueless. About two-thirds of all the lines were hopelessly bankrupt. Fortunately the United States War Department took over the

control of the railway lines and in some cases effected a temporary reorganization which could not have been accomplished by the bankrupt companies. During the summer and fall of 1865 "loyal" boards of directors were appointed for most of the roads, and the army withdrew its control. But repairs and reconstruction were accomplished with difficulty because of the demoralization of labor and the lack of funds or credit. Freight was scarce and, had it not been for government shipments, some of the roads would have been abandoned. Not many people were able to travel. It is recorded that on one trip from Montgomery to Mobile and return, a distance of 360 miles, the road which is now the Louisville and Nashville collected only thirteen dollars in fares.

Had there been unrestricted commercial freedom in the South in 1865-66, the distress of the people would have been somewhat lessened, for here and there were to be found public and private stores of cotton, tobacco, rice, and other farm products, all of which were bringing high prices in the market. But for several months the operation of wartime laws and regulations hindered the distribution of even these scanty stores. Property upon which the Confederate Government had a

claim was of course subject to confiscation, and private property offered for sale, even that of Unionists, was subject to a 25 per cent tax on sales, a shipping tax, and a revenue tax. The revenue tax on cotton, ranging from two to three cents a pound during the three years after the war, brought in over \$68,000,000. This tax, with other Federal revenues, yielded much more than the entire expenses of reconstruction from 1865 to 1868 and of all relief measures for the South, both public and private. After May, 1865, the 25 per cent tax was imposed only upon the produce of slave labor. None of the war taxes, except that on cotton, was levied upon the crops of 1866, but while these taxes lasted they seriously impeded the resumption of trade.

Even these restrictions, however, might have been borne if only they had been honestly applied. Unfortunately, some of the most spectacular frauds ever perpetrated were carried through in connection with the attempt of the United States Treasury Department to collect and sell the confiscable property in the South. The property to be sold consisted of what had been captured and seized by the army and the navy, of "abandoned" property, as such was called whose owner

was absent in the Confederate service, and of property subject to seizure under the confiscation acts of Congress. No captures were made after the general surrender, and no further seizures of "abandoned" property were made after Johnson's amnesty proclamation of May 29, 1865. This left only the "confiscable" property to be collected and sold.

For collection purposes the States of the South were divided into districts, each under the supervision of an agent of the Treasury Department, who received a commission of about 25 per cent. Cotton, regarded as the root of the slavery evil, was singled out as the principal object of confiscation. It was known that the Confederate Government had owned in 1865 about 150,000 bales, but the records were defective and much of it, with no clear indication of ownership, still remained with the producers. Secretary Chase, foreseeing the difficulty of effecting a just settlement, counseled against seizure, but his judgment was overruled. Secretary McCulloch said of his agents: "I am sure I sent some honest cotton agents South; but it sometimes seems doubtful whether any of them remained honest very long." Some of the natives, even, became cotton thieves. In a report made in 1866, McCulloch describes their methods:



Contractors, anxious for gain, were sometimes guilty of bad faith and speculation, and frequently took possession of cotton and delivered it under contracts as captured or abandoned, when in fact it was not such, and they had no right to touch it. . . . Residents and others in the districts where these speculations were going on took advantage of the unsettled condition of the country, and representing themselves as agents of this department, went about robbing under such pretended authority, and thus added to the difficulties of the situation by causing unjust opprobrium and suspicion to rest upon officers engaged in the faithful discharge of their duties. Agents, . . . frequently received or collected property, and sent it forward which the law did not authorize them to take. . . . Lawless men, singly and in organized bands, engaged in general plunder; every species of intrigue and speculation and theft were resorted to.

These agents turned over to the United States about \$34,000,000. About 40,000 claimants were subsequently indemnified on the ground that the property taken from them did not belong to the Confederate Government, but many thousands of other claimants have been unable to prove that their property was seized by government agents and hence have received nothing. It is probable that the actual Confederate property was nearly all stolen by the agents. One agent in Alabama sold an appointment as assistant for \$25,000, and a



few months later both the assistant and the agent were tried by a military court for stealing and were fined \$90,000 and \$250,000 respectively in addition to being imprisoned.

Other property, including horses, mules, wagons, tobacco, rice, and sugar which the natives claimed as their own, was seized. In some places the agents even collected delinquent Confederate taxes. Much of the confiscable property was not sold but was turned over to the Freedmen's Bureau<sup>1</sup> for its support. The total amount seized cannot be satisfactorily ascertained. The Ku Klux minority report asserted that 3,000,000 bales of cotton were taken, of which the United States received only 114,000. It is certain that, owing to the deliberate destruction of cotton by fire in 1864-65, this estimate was too high, but all the testimony points to the fact that the frauds were stupendous. As a result the United States Government did not succeed in obtaining the Confederate property to which it had a claim, and the country itself was stripped of necessities to a degree that left it not only destitute but outraged and embittered. "Such practices," said Trowbridge, "had a pernicious effect, engendering a contempt for the Government and a murderous

<sup>1</sup> See pp. 89 *et seq.*

ill-will which too commonly vented itself upon soldiers and negroes."

The South faced the work of reconstruction not only with a shortage of material and greatly hampered in the employment even of that but still more with a shortage of men. The losses among the whites are usually estimated at about half the military population, but since accurate records are lacking the exact numbers cannot be ascertained. The best of the civil leaders, as well as the prominent military leaders, had so committed themselves to the support of the Confederacy as to be excluded from participation in any reconstruction that might be attempted. The business of reconstruction, therefore, fell of necessity to the Confederate private soldiers, the lower officers, nonparticipants, and lukewarm individuals who had not greatly compromised themselves. These politically and physically uninjured survivors included also all the "slackers" of the Confederacy. But though there were such physical and moral losses on the part of those to whom fell the direction of affairs there was also a moral strengthening in the sound element of the people who had been tried by the discipline of war.

The greatest weakness of both races was their

extreme poverty. The crops of 1865 turned out badly, for most of the soldiers reached home too late for successful planting and the negro labor was not dependable. The sale of such cotton and farm products as had escaped the treasury agents was of some help, but curiously enough much of the good money thus obtained was spent extravagantly by a people used to Confederate rag money and for four years deprived of the luxuries of life. The poorer whites who had lost all were close to starvation. In the white counties which had sent so large a proportion of men to the army the destitution was most acute. In many families the breadwinner had been killed in war. After 1862 relief systems had been organized in nearly all the Confederate States for the purpose of aiding the poor whites, but these organizations were disbanded in 1865. A Freedmen's Bureau official traveling through the desolate back country furnishes a description which might have applied to two hundred counties, a third of the South: "It is a common, an every-day sight in Randolph County, that of women and children, most of whom were formerly in good circumstances, begging for bread from door to door. Meat of any kind has been a stranger to many of their mouths

for months. The drought cut off what little crops they hoped to save, and they must have immediate help or perish. By far the greater suffering exists among the whites. Their scanty supplies have been exhausted, and now they look to the Government alone for support. Some are without homes of any description."

Where the armies had passed, few of the people, white or black, remained; most of them had been forced as "refugees" within the Union lines or into the interior of the Confederacy. Now, along with the disbanded Confederate soldiers, they came straggling back to their war-swept homes. It was estimated, in December, 1865, that in the States of Alabama, Mississippi, and Georgia, there were five hundred thousand white people who were without the necessities of life; numbers died from lack of food. Within a few months relief agencies were at work. In the North, especially in the border States and in New York, charitable organizations collected and forwarded great quantities of supplies to the negroes and to the whites in the hill and mountain counties. The reorganized state and local governments sent food from the unravaged portions of the Black Belt to the nearest white counties, and the army commanders gave some

aid. As soon as the Freedmen's Bureau was organized, it fed to the limit of its supplies the needy whites as well as the blacks.

The extent of the relief afforded by the charity of the North and by the agencies of the United States Government is not now generally remembered, probably on account of the later objectionable activities of the Freedmen's Bureau, but it was at the time properly appreciated. A Southern journalist, writing of what he saw in Georgia, remarked that "it must be a matter of gratitude as well as surprise for our people to see a Government which was lately fighting us with fire and sword and shell, now generously feeding our poor and distressed. In the immense crowds which throng the distributing house, I notice the mothers and fathers, widows and orphans of our soldiers. . . . Again, the Confederate soldier, with one leg or one arm, the crippled, maimed, and broken, and the worn and destitute men, who fought bravely their enemies then, their benefactors now, have their sacks filled and are fed."

Acute distress continued until 1867; after that year there was no further danger of starvation. Some of the poor whites, especially in the remote districts, never again reached a comfortable standard

of living; some were demoralized by too much assistance; others were discouraged and left the South for the West or the North. But the mass of the people accepted the discipline of poverty and made the best of their situation.

The difficulties, however, that beset even the courageous and the competent were enormous. The general paralysis of industry, the breaking up of society, and poverty on all sides bore especially hard on those who had not previously been manual laborers. Physicians could get practice enough but no fees; lawyers who had supported the Confederacy found it difficult to get back into the reorganized courts because of the test oaths and the competition of "loyal" attorneys; and for the teachers there were few schools. We read of officers high in the Confederate service selling to Federal soldiers the pies and cakes cooked by their wives, of others selling fish and oysters which they themselves had caught, and of men and women hitching themselves to plows when they had no horse or mule.

Such incidents must, from their nature, have been infrequent, but they show to what straits some at least were reduced. Six years after the war, James S. Pike, then in South Carolina,

mentions cases which might be duplicated in nearly every old Southern community: "In the vicinity," he says, "lived a gentleman whose income when the war broke out was rated at \$150,000 a year. Not a vestige of his whole vast estate remains today. Not far distant were the estates of a large proprietor and a well known family, rich and distinguished for generations. The slaves were gone. The family is gone. A single scion of the house remains, and he peddles tea by the pound and molasses by the quart, on a corner of the old homestead, to the former slaves of the family and thereby earns his livelihood."

General Lee's good example influenced many. Commercial enterprises were willing to pay for the use of his name and reputation, but he wished to farm and could get no opportunity. "They are offering my father everything," his daughter said, "except the only thing he will accept, a place to earn honest bread while engaged in some useful work." This remark led to an offer of the presidency of Washington College, now Washington and Lee University, which he accepted. "I have a self-imposed task which I must accomplish," he said, "I have led the young men of the South in battle; I have seen many of them fall under my



standard. I shall devote my life now to training young men to do their duty in life."

The condition of honest folk was still further troubled by a general spirit of lawlessness in many regions. Virginia, Tennessee, Arkansas, and Louisiana recognized the "Union" state government, but the coming of peace brought legal anarchy to the other States of the Confederacy. The Confederate state and local governments were abolished as the armies of occupation spread over the South, and for a period of four or six months there was no government except that exercised by the commanders of the military garrisons left behind when the armies marched away. Even before the surrender the local governments were unable to make their authority respected, and soon after the war ended parts of the country became infested with outlaws, pretended treasury agents, horse thieves, cattle thieves, and deserters. Away from the military posts only lynch law could cope with these elements of disorder. With the aid of the army in the more settled regions, and by extra-legal means elsewhere, the outlaws, thieves, cotton burners, and house burners were brought somewhat under control even before the state governments were reorganized, though the embers of lawlessness continued to smolder.



The relations between the Federal soldiers stationed in the principal towns and the native white population were not, on the whole, so bad as might have been expected. If the commanding officer were well disposed, there was little danger of friction, though sometimes his troops got out of hand. The regulars had a better reputation than the volunteers. The Confederate soldiers were surfeited with fighting, but the "stay-at-home" element was often a cause of trouble. The problem of social relations between the conquerors and the conquered was troublesome. The men might get along well together, but the women would have nothing to do with the "Yankees" and ill feeling arose because of their antipathy. Carl Schurz reported that "the soldier of the Union is looked upon as a stranger, an intruder, as the 'Yankee,' the 'enemy.' . . . The existence and intensity of this aversion is too well known to those who have served or are serving in the South to require proof."

In retaliation the soldiers developed ingenious ways of annoying the whites. Women, forced for any reason to go to headquarters, were made to take the oath of allegiance or the "ironclad" oath before their requests were granted; flags were fastened over doors, gates, or sidewalks in order to

irritate the recalcitrant dames and their daughters. Confederate songs and color combinations were forbidden. In Richmond, General Halleck ordered that no marriages be performed unless the bride, the groom, and the officiating clergyman took the oath of allegiance. He explained this as a measure taken to prevent "the propagation of legitimate rebels."

The wearing of Confederate uniforms was forbidden by military order, but by May, 1865, few soldiers possessed regulation uniforms. In Tennessee the State also imposed fines upon wearers of the uniform. In the vicinity of military posts buttons and marks of rank were usually ordered removed and the gray clothes dyed with some other color. General Lee, for example, had the buttons on his coat covered with cloth. But frequently the Federal commander, after issuing the orders, paid no more attention to the matter and such conflicts as arose on account of the uniform were usually caused by officious enlisted men and the negro troops. Whitelaw Reid relates the following incident:

Nothing was more touching, in all that I saw in Savannah, than the almost painful effort of the rebels, from generals down to privates, to conduct themselves so as to evince respect for our soldiers, and to bring no

severer punishment upon the city than it had already received. There was a brutal scene at the hotel, where a drunken sergeant, with a pair of tailor's shears, insisted on cutting the buttons from the uniform of an elegant gray-headed old brigadier, who had just come in from Johnston's army; but he bore himself modestly and very handsomely through it. His staff was composed of fine-looking, stalwart fellows, evidently gentlemen, who appeared intensely mortified at such treatment. They had no clothes except their rebel uniforms, and had, as yet, had no time to procure others, but they avoided disturbances and submitted to what they might, with some propriety, and with the general approval of our officers, have resented.

The negro troops, even at their best, were everywhere considered offensive by the native whites. General Grant, indeed, urged that only white troops be used to garrison the interior. But the negro soldier, impudent by reason of his new freedom, his new uniform, and his new gun, was more than Southern temper could tranquilly bear, and race conflicts were frequent. A New Orleans newspaper thus states the Southern point of view: "Our citizens who had been accustomed to meet and treat the negroes only as respectful servants, were mortified, pained, and shocked to encounter them . . . wearing Federal uniforms and bearing bright muskets and gleaming bayonets. . . . They

are jostled from the sidewalks by dusky guards, marching four abreast. They were halted, in rude and sullen tones, by negro sentinels."

The task of the Federal forces was not easy. The garrisons were not large enough nor numerous enough to keep order in the absence of civil government. The commanders in the South asked in vain for cavalry to police the rural districts. Much of the disorder, violence, and incendiarism attributed at the time to lawless soldiers appeared later to be due to discharged soldiers and others pretending to be soldiers in order to carry out schemes of robbery. The whites complained vigorously of the garrisons, and petitions were sent to Washington from mass meetings and from state legislatures asking for their removal. The higher commanders, however, bore themselves well, and in a few fortunate cases Southern whites were on most amicable terms with the garrison commanders. The correspondence of responsible military officers in the South shows how earnestly and considerately each, as a rule, tried to work out his task. The good sense of most of the Federal officers appeared when, after the murder of Lincoln, even General Grant for a brief space lost his head and ordered the arrest of paroled Confederates.

The church organizations were as much involved in the war and in the reconstruction as were secular institutions. Before the war every religious organization having members North and South, except the Catholic Church and the Jews, had separated into independent Northern and Southern bodies. In each section church feeling ran high, and when the war came the churches supported the armies. As the Federal armies occupied Southern territory, the church buildings of each denomination were turned over to the corresponding Northern body, and Southern ministers were permitted to remain only upon agreeing to conduct "loyal services, pray for the President of the United States and for Federal victories" and to foster "loyal sentiment." The Protestant Episcopal churches in Alabama were closed from September to December, 1865, and some congregations were dispersed by the soldiers because Bishop Wilmer had directed his clergy to omit the prayer for President Davis but had substituted no other. The ministers of non-liturgical churches were not so easily controlled. A Georgia Methodist preacher directed by a Federal officer to pray for the President said afterwards: "I prayed for the President that the Lord would take out of him

and his allies the hearts of beasts and put into them the hearts of men or remove the cusses from office." Sometimes members of a congregation showed their resentment at the "loyal" prayers by leaving the church. But in spite of many irritations both sides frequently managed to get some amusement out of the "loyal" services. The church situation was, however, a serious matter during and after the reconstruction, and some of its later phases will have to be discussed elsewhere.

The Unionist, or "Tory," of the lower and eastern South found himself, in 1865, a man without a country. Few in number in any community, they found themselves upon their return from a harsh exile the victims of ostracism or open hostility. One of them, William H. Smith, later Governor of Alabama, testified that the Southern people "manifest the most perfect contempt for a man who is known to be an unequivocal Union man; they call him a 'galvanized Yankee' and apply other terms and epithets to him." General George H. Thomas, speaking of a region more divided in sentiment than Alabama, remarked that "Middle Tennessee is disturbed by animosities and hatreds, much more than it is by the disloyalty of persons towards the Government of the United States.

Those personal animosities would break out and overawe the civil authorities, but for the presence there of the troops of the United States. . . . They are more unfriendly to Union men, natives of the State of Tennessee, or of the South, who have been in the Union army, than they are to men of Northern birth."

In the border States society was sharply divided and feeling was bitter. In eastern Tennessee, eastern Kentucky, West Virginia, and parts of Arkansas and Missouri returning Confederates met harsher treatment than did the Unionists in the lower South. Trowbridge says of east Tennessee: "Returning rebels were robbed; and if one had stolen unawares to his home, it was not safe for him to remain there. I saw in Virginia one of these exiles, who told me how homesickly he pined for the hills and meadows of east Tennessee, which he thought the most delightful region in the world. But there was a rope hanging from a tree for him there, and he dared not go back. 'The bottom rails are on top,' said he, 'that is the trouble.' The Union element, and the worst part of the Union element, was uppermost." Confederates and Confederate sympathizers in Maryland, West Virginia, Tennessee, and Kentucky



were disfranchised. In West Virginia, Tennessee, and Missouri "war trespass" suits were brought against returning Confederates for military acts done in war time. In Missouri and West Virginia strict test oaths excluded Confederates from office, from the polls, and from the professions of teaching, preaching, and law. On the other hand in central and western Kentucky the predominant Unionist population, themselves suffering through the abolition of slavery, and by the objectionable operations of the Freedmen's Bureau and the unwise military administration, showed more sympathy for the Confederates, welcomed them home, and soon relieved them of all restrictions.

Still another element of discord was added by the Northerners who came to exploit the South. Many mustered-out soldiers proposed to stay. Speculators of all kinds followed the withdrawing Confederate lines and with the conclusion of peace spread through the country; but they were not cordially received. With the better class, the Southerners, especially the soldiers, associated freely if seldom intimately. But the conduct of a few of their number who considered that the war had opened all doors to them, who very freely expressed their views, gave advice, condemned old



customs, and were generally offensive, did much to bring all Northerners into disrepute. Tactlessly critical letters published in Northern papers did not add to their popularity. The few Northern women felt the ostracism more keenly than did the men. Benjamin C. Truman, an agent of President Johnson, thus summed up the situation: "There is a prevalent disposition not to associate too freely with Northern men or to receive them into the circles of society; but it is far from unsurmountable. Over Southern society, as over every other, woman reigns supreme, and they are more embittered against those whom they deem the authors of all their calamities than are their brothers, sons, and husbands." But of the thousands of Northern men who overcame the reluctance of the Southerners to social intercourse little was heard. Many a Southern planter secured a Northern partner, or sold him half his plantation to get money to run the other half. For the irritations of 1865 each party must take its share of responsibility.

Had the South assisted in a skillful and adequate publicity, much disastrous misunderstanding might have been avoided. The North knew as little of the South as the South did of the North, but the North was eager for news. Able newspaper

correspondents like Sidney Andrews of the *Boston Advertiser* and the *Chicago Tribune*, who opposed President Johnson's policies, Thomas W. Knox of the *New York Herald*, who had given General Sherman so much trouble in Tennessee, Whitelaw Reid, who wrote for several papers and tried cotton planting in Louisiana, and John T. Trowbridge, New England author and journalist, were dispatched southwards. Chief of the President's investigators were General Carl Schurz, German revolutionist, Federal soldier, and soon to be radical Republican, who held harsh views of the Southern people; and there were besides Harvey M. Watterson, Kentucky Democrat and Unionist, the father of "Marse" Henry; Benjamin C. Truman, New England journalist and soldier, whose long report was perhaps the best of all; Chief Justice Chase, who was thinking mainly of "How soon can the negro vote?"; and General Grant, who made a report so brief that, notwithstanding its value, it attracted little attention. In addition, a constant stream of information and misinformation was going northward from treasury agents, officers of the army, the Freedmen's Bureau, teachers, and missionaries. Among foreigners who described the conquered land were Robert

Somers, Henry Latham, and William Hepworth Dixon. But few in the South realized the importance of supplying the North with correct information about actual conditions. The letters and reports, they thought, humiliated them; inquiry was felt to be prying and gloating. "Correspondents have added a new pang to surrender," it was said. The South was proud and refused to be catechized. From the Northern point of view the South, a new and strange region, with strange customs and principles, was of course not to be considered as quite normal and American, but there was on the part of many correspondents a determined attempt to describe things as they were. And yet the North persisted in its unsympathetic queries when it seemed to have a sufficient answer in the reports of Grant, Schurz, and Truman.

Grant's opinion was short and direct: "I am satisfied that the mass of thinking men of the South accept the present situation of affairs in good faith. . . . The citizens of the Southern States are anxious to return to self-government within the Union as soon as possible." Truman came to the conclusion that "the rank and file of the disbanded Southern army . . . are the backbone and sinew of the South. . . . To the

disbanded regiments of the rebel army, both officers and men, I look with great confidence as the best and altogether the most hopeful element of the South, the real basis of reconstruction and the material of worthy citizenship." General John Tarbell, before the Joint Committee on Reconstruction, testified that "there are, no doubt, disloyal and disorderly persons in the South, but it is an entire mistake to apply these terms to a whole people. I would as soon travel alone, unarmed, through the South as through the North. The South I left is not at all the South I hear and read about in the North. From the sentiment I hear in the North, I would scarcely recognize the people I saw, and, except their politics, I liked so well. I have entire faith that the better classes are friendly to the negroes."

Carl Schurz on the other hand was not so favorably impressed. "The loyalty of the masses and most of the leaders of the southern people," he said, "consists in submission to necessity. There is, except in individual instances, an entire absence of that national spirit which forms the basis of true loyalty and patriotism." Another government official in Florida was quite doubtful of the Southern whites. "I would pin them down at the point

of the bayonet," he declared, "so close that they would not have room to wiggle, and allow intelligent colored people to go up and vote in preference to them. The only Union element in the South proper . . . is among the colored people. The whites will treat you very kindly to your face, but they are deceitful. I have often thought, and so expressed myself, that there is so much deception among the people of the South since the rebellion, that if an earthquake should open and swallow them up, I was fearful that the devil would be dethroned and some of them take his place."

The point of view of the Confederate military leaders was exhibited by General Wade Hampton in a letter to President Johnson and by General Lee in his advice to Governor Letcher of Virginia. General Hampton wrote: "The South unequivocally 'accepts the situation' in which she is placed. Everything that she has done has been done in perfect faith, and in the true and highest sense of the word, she is loyal. By this I mean that she intends to abide by the laws of the land honestly, to fulfill all her obligations faithfully and to keep her word sacredly, and I assert that the North has no right to demand more of her. You have no right to ask, or expect that she will at once profess

unbounded love to that Union from which for four years she tried to escape at the cost of her best blood and all her treasures." General Lee in order to set an example applied through General Grant for a pardon under the amnesty proclamation and soon afterwards he wrote to Governor Letcher: "All should unite in honest efforts to obliterate the effects of war, and to restore the blessings of peace. They should remain, if possible, in the country; promote harmony and good-feeling; qualify themselves to vote; and elect to the State and general legislatures wise and patriotic men, who will devote their abilities to the interests of the country and the healing of all dissensions; I have invariably recommended this course since the cessation of hostilities, and have endeavored to practice it myself."

Southerners of the Confederacy everywhere, then, accepted the destruction of slavery and the renunciation of state sovereignty; they welcomed an early restoration of the Union, without any punishment of leaders of the defeated cause. But they were proud of their Confederate records though now legally "loyal" to the United States; they considered the negro as free but inferior, and expected to be permitted to fix his status in the

social organization and to solve the problem of free labor in their own way. To embarrass the easy and permanent realization of these views there was a society disrupted, economically prostrate, deprived of its natural leaders, subjected to a control not always wisely conceived nor effectively exercised, and, finally, containing within its own population unassimilated elements which presented problems fraught with difficulty and danger.

## CHAPTER II

### WHEN FREEDOM CRIED OUT

THE negro is the central figure in the reconstruction of the South. Without the negro there would have been no Civil War. Granting a war fought for any other cause, the task of reconstruction would, without him, have been comparatively simple. With him, however, reconstruction meant more than the restoring of shattered resources; it meant the more or less successful attempt to obtain and secure for the freedman civil and political rights, and to improve his economic and social status. In 1861 the American negro was everywhere an inferior, and most of his race were slaves; in 1865 he was no longer a slave, but whether he was to be serf, ward, or citizen was an unsettled problem; in 1868 he was in the South the legal and political equal, frequently the superior, of the white; and before the end of the reconstruction period he was made by the legislation of some



States and by Congress the legal equal of the white even in certain social matters.

The race problem which confronted the American people had no parallel in the past. British and Spanish-American emancipation of slaves had affected only small numbers or small regions, in which one race greatly outnumbered the other. The results of these earlier emancipations of the negroes and the difficulties of European states in dealing with subject white populations were not such as to afford helpful example to American statesmen. But since it was the actual situation in the Southern States rather than the experience of other countries which shaped the policies adopted during reconstruction, it is important to examine with some care the conditions in which the negroes in the South found themselves at the close of the war.

The negroes were not all helpless and without experience "when freedom cried out."<sup>1</sup> In the Border States and in the North there were, in 1861, half a million free negroes accustomed to looking out for themselves. Nearly 200,000 negro men were enlisted in the United States army between 1862 and 1865, and many thousands of slaves had followed raiding Federal forces to freedom or had

<sup>1</sup> A negro phrase much used in referring to emancipation.

escaped through the Confederate lines. State emancipation in Missouri, Maryland, West Virginia, and Tennessee, and the practical application of the Emancipation Proclamation where the Union armies were in control ended slavery for many thousands more. Wherever the armies marched, slavery ended. This was true even in Kentucky, where the institution was not legally abolished until the adoption of the Thirteenth Amendment. Altogether more than a million negroes were free and to some extent habituated to freedom before May, 1865.

Most of these war-emancipated negroes were scattered along the borders of the Confederacy, in camps, in colonies, in the towns, on refugee farms, at work with the armies, or serving as soldiers in the ranks. There were large working colonies along the Atlantic coast from Maryland to Florida. The chief centers were near Norfolk, where General Butler was the first to establish a "contraband" camp, in North Carolina, and on the Sea Islands of South Carolina, Georgia, and Florida, which had been seized by the Federal fleet early in the war. To the Sea Islands also were sent, in 1865, the hordes of negroes who had followed General Sherman out of Georgia and South Carolina. Through

the Border States from the Atlantic to the Mississippi and along both sides of the Mississippi from Cairo, Illinois, to New Orleans, there were other refugee camps, farms, and colonies. For periods varying from one to four years these free negroes had been at work, often amid conditions highly unfavorable to health, under the supervision of officers of the Treasury Department or of the army.

Emancipation was therefore a gradual process, and most of the negroes, through their widening experience on the plantations, with the armies, and in the colonies, were better fitted for freedom in 1865 than they had been in 1861. Even their years of bondage had done something for them, for they knew how to work and they had adopted in part the language, habits, religion, and morals of the whites. But slavery had not made them thrifty, self-reliant, or educated. Frederick Douglass said of the negro at the end of his servitude: "He had none of the conditions of self-preservation or self-protection. He was free from the individual master, but he had nothing but the dusty road under his feet. He was free from the old quarter that once gave him shelter, but a slave to the rains of summer and to the frosts of winter. He was turned loose, naked, hungry, and destitute to the open sky."

To prove that he was free the negro thought he must leave his old master, change his name, quit work for a time, perhaps get a new wife, and hang around the Federal soldiers in camp or garrison, or go to the towns where the Freedmen's Bureau was in process of organization. To the negroes who remained at home — and, curiously enough, for a time at least many did so — the news of freedom was made known somewhat ceremonially by the master or his representative. The negroes were summoned to the “big house,” told that they were free, and advised to stay on for a share of the crop. The description by Mrs. Clayton, the wife of a Southern general, will serve for many: “My husband said, ‘I think it best for me to inform our negroes of their freedom.’ So he ordered all the grown slaves to come to him, and told them they no longer belonged to him as property, but were all free. ‘You are not bound to remain with me any longer, and I have a proposition to make to you. If any of you desire to leave, I propose to furnish you with a conveyance to move you, and with provisions for the balance of the year.’ The universal answer was, ‘Master, we want to stay right here with you.’ In many instances the slaves were so infatuated with the idea of being,

as they said, 'free as birds' that they left their homes and consequently suffered; but our slaves were not so foolish."<sup>1</sup>

The negroes, however, had learned of their freedom before their old masters returned from the war; they were aware that the issues of the war involved in some way the question of their freedom or servitude, and through the "grape vine telegraph," the news brought by the invading soldiers, and the talk among the whites, they had long been kept fairly well informed. What the idea of freedom meant to the negroes it is difficult to say. Some thought that there would be no more work and that all would be cared for by the Government; others believed that education and opportunity were about to make them the equal of their masters. The majority of them were too bewildered to appreciate anything except the fact that they were free from enforced labor.

Conditions were most disturbed in the so-called "Black Belt," consisting of about two hundred counties in the most fertile parts of the South, where the plantation system was best developed and where by far the majority of the negroes were segregated. The negroes in the four hundred

<sup>1</sup> *Black and White under the Old Régime*, p. 152.

more remote and less fertile "white" counties, which had been less disturbed by armies, were not so upset by freedom as those of the Black Belt, for the garrisons and the larger towns, both centers of demoralization, were in or near the Black Belt. But there was a moving to and fro on the part of those who had escaped from the South or had been captured during the war or carried into the interior of the South to prevent capture. To those who left slavery and home to find freedom were added those who had found freedom and were now trying to get back home or to get away from the negro camps and colonies which were breaking up. A stream of immigration which began to flow to the southwest affected negroes as far as the Atlantic coast. In the confusion of moving, families were broken up, and children, wife, or husband were often lost to one another. The very old people and the young children were often left behind for the former master to care for. Regiments of negro soldiers were mustered out in every large town and their numbers were added to the disorderly mass. Some of the Federal garrisons and Bureau stations were almost overwhelmed by the numbers of blacks who settled down upon them waiting for freedom to bestow its full meas-

ure of blessing, and many of the negroes continued to remain in a demoralized condition until the new year.

The first year of freedom was indeed a year of disease, suffering, and death. Several partial censuses indicate that in 1865-66 the negro population lost as many by disease as the whites had lost in war. Ill-fed, crowded in cabins near the garri-sons or entirely without shelter, and unaccustomed to caring for their own health, the blacks who were searching for freedom fell an easy prey to ordinary diseases and to epidemics. Poor health conditions prevailed for several years longer. In 1870 Robert Somers remarked that "the health of the whites has greatly improved since the war, while the health of the negroes has declined till the mortality of the colored population, greater than the mortality of the whites was before the war, has now become so markedly greater, that nearly two colored die for every white person out of equal numbers of each."

Morals and manners also suffered under the new dispensation. In the crowded and disease-stricken towns and camps, the conditions under which the roving negroes lived were no better for morals than for health, for here there were none of the



restraints to which the blacks had been accustomed and which they now despised as being a part of their servitude. But in spite of all the relief that could be given there was much want. In fact, to restore former conditions the relief agencies frequently cut off supplies in order to force the negroes back to work and to prevent others from leaving the country for the towns. But the hungry freedmen turned to the nearest food supply, and "spilin de gypshuns" (despoiling the Egyptians, as the negroes called stealing from the whites) became an approved means of support. Thefts of hogs, cattle, poultry, field crops, and vegetables drove almost to desperation those whites who lived in the vicinity of the negro camps. When the ex-slave felt obliged to go to town, he was likely to take with him a team and wagon and his master's clothes if he could get them.

The former good manners of the negro were now replaced by impudence and distrust. There were advisers among the negro troops and other agitators who assured them that politeness to whites was a mark of servitude. Pushing and crowding in public places, on street cars and on the sidewalks, and impudent speeches everywhere marked generally the limit of rudeness. And the negroes were,



in this respect, perhaps no worse than those European immigrants who act upon the principle that bad manners are a proof of independence.

The year following emancipation was one of religious excitement for large numbers of the blacks. Before 1865 the negro church members were attached to white congregations or were organized into missions, with nearly always a white minister in charge and a black assistant. With the coming of freedom the races very soon separated in religious matters. For this there were two principal reasons: the negro preachers could exercise more influence in independent churches; and new church organizations from the North were seeking negro membership. Sometimes negro members were urged to insist on the right "to sit together" with the whites. In a Richmond church a negro from the street pushed his way to the communion altar and knelt. There was a noticeable pause; then General Robert E. Lee went forward and knelt beside the negro; and the congregation followed his example. But this was a solitary instance. When the race issue was raised by either color, the church membership usually divided. There was much churchgoing by the negroes, day and night, and church festivities and

baptisms were common. The blacks preferred immersion and wanted a new baptism each time they changed to a new church. Baptizings in ponds, creeks, or rivers were great occasions and were largely attended. "Shouting" the candidates went into the water and "shouting" they came out. One old woman came up screaming, "Freed from slavery! freed from sin! Bless God and General Grant!"

In the effort to realize their new-found freedom, the negroes were heavily handicapped by their extreme poverty and their ignorance. The total value of free negro property ran up into the millions in 1860, but the majority of the negroes had nothing. There were a few educated negroes in the South, and more in the North and in Canada, but the mass of the race was too densely ignorant to furnish its own leadership. The case, however, was not hopeless; the negro was able to work and in large territories had little competition; wages were high, even though paid in shares of the crop; the cost of living was low; and land was cheap. Thousands seemed thirsty for an education and crowded the schools which were available. It was too much, however, to expect the negro to take immediate advantage of his opportunities. What

he wanted was a long holiday, a gun and a dog, and plenty of hunting and fishing. He must have Saturday at least for a trip to town or to a picnic or a circus; he did not wish to be a servant. When he had any money, swindlers reaped a harvest. They sold him worthless finery, cheap guns, preparations to bleach the skin or straighten the hair, and striped pegs which, when set up on the master's plantation, would entitle the purchaser to "40 acres and a mule."

The attitude of the negroes' employers not infrequently complicated the situation which they sought to better. The old masters were, as a rule, skeptical of the value of free negro labor. Carl Schurz thought this attitude boded ill for the future: "A belief, conviction, or prejudice, or whatever you may call it," he said, "so widely spread and apparently deeply rooted as this, that the negro will not work without physical compulsion, is certainly calculated to have a very serious influence upon the conduct of the people entertaining it. It naturally produced a desire to preserve slavery in its original form as much and as long as possible . . . or to introduce into the new system that element of physical compulsion which would make the negro work."

The negro wished to be free to leave his job when he pleased, but, as Benjamin C. Truman stated in his report to President Johnson, a "result of the settled belief in the negro's inferiority, and in the necessity that he should not be left to himself without a guardian, is that in some sections he is discouraged from leaving his old master. I have known of planters who considered it an offence against neighborhood courtesy for another to hire their old hands, and in two instances that were reported the disputants came to blows over the breach of etiquette." The new Freedmen's Bureau insisted upon written contracts, except for day laborers, and this undoubtedly kept many negroes from working regularly, for they were suspicious of contracts. Besides, the agitators and the negro troops led them to hope for an eventual distribution of property. An Alabama planter thus described the situation in December, 1865:

They will not work for anything but wages, and few are able to pay wages. They are penniless but resolute in their demands. They expect to see all the land divided out equally between them and their old masters in time to make the next crop. One of the most intelligent black men I know told me that in a neighboring village, where several hundred blacks were congregated,

he does not think that as many as three made contracts, although planters are urgent in their solicitations and offering highest prices for labor they can possibly afford to pay. The same man informed me that the impression widely prevails that Congress is about to divide out the lands, and that this impression is given out by Federal soldiers at the nearest military station. It cannot be disguised that in spite of the most earnest efforts of their old master to conciliate and satisfy them, the estrangement between races increases in its extent and bitterness. Nearly all the negro men are armed with repeaters, and many of them carry them openly, day and night.

The relations between the races were better, however, than conditions seemed to indicate. The whites of the Black Belt were better disposed toward the negroes than were those of the white districts. It was in the towns and villages that most of the race conflicts occurred. All whites agreed that the negro was inferior, but there were many who were grateful for his conduct during the war and who wished him well. But others, the policemen of the towns, the "loyalists," those who had little but pride of race and the vote to distinguish them from the blacks, felt no good will toward the ex-slaves. It was Truman's opinion "not only that the planters are far better friends to the negroes than the poor whites, but also better

than a majority of the Northern men who go South to rent plantations." John T. Trowbridge, the novelist, who recorded his impressions of the South after a visit in 1865, was of the opinion that the Unionists "do not like niggers." "For there is," he said, "more prejudice against color among the middle and poorer classes — the Union men of the South who owned few or no slaves — than among the planters who owned them by scores and hundreds." The reports of the Freedmen's Bureau are to the same effect. A Bureau agent in Tennessee testified: "An old citizen, a Union man, said to me, said he, 'I tell you what, if you take away the military from Tennessee, the buzzards can't eat up the niggers as fast as we'll kill them.'"

The lawlessness of the negroes in parts of the Black Belt and the disturbing influences of the black troops, of some officials of the Bureau, and of some of the missionary teachers and preachers, caused the whites to fear insurrections and to take measures for protection. Secret semi-military organizations were formed which later developed into the Ku Klux orders. When, however, New Year's Day, 1866, passed without the hoped-for distribution of property the negroes began to settle down.

At the beginning of the period of reconstruc-

tion it seemed possible that the negro race might speedily fall into distinct economic groups, for there were some who had property and many others who had the ability and the opportunity to acquire it; but the later drawing of race lines and the political disturbances of reconstruction checked this tendency. It was expected also that the Northern planters who came South in large numbers in 1865-66 might, by controlling the negro labor and by the use of more efficient methods, aid in the economic upbuilding of the country. But they were ignorant of agricultural matters and incapable of wisely controlling the blacks; and they failed because at one time they placed too much trust in the negroes and at another treated them too harshly and expected too much of them.

The question of negro suffrage was not a live issue in the South until the middle of 1866. There was almost no talk about it among the negroes; they did not know what it was. President Lincoln in 1864 and President Johnson in 1865 had merely mentioned the subject, though Chief Justice Chase and prominent radical members of Congress, as well as numerous abolitionists, had framed a negro suffrage platform. But the Southern whites, considering the matter an impossibility, gave it



little consideration. There was, however, both North and South, a tendency to see a connection between the freedom of the negroes and their political rights and thus to confuse civil equality with political and social privileges. But the great masses of the whites were solidly opposed to the recognition of negro equality in any form. The poorer whites, especially the "Unionists" who hoped to develop an opposition party, were angered by any discussion of the subject. An Alabama "Unionist," M. J. Saffold, later prominent as a radical politician, declared to the Joint Committee on Reconstruction: "If you compel us to carry through universal suffrage of colored men . . . it will prove quite an incubus upon us in the organization of a national union party of white men; it will furnish our opponents with a very effective weapon of offense against us."

There were, however, some Southern leaders of ability and standing who, by 1866, were willing to consider negro suffrage. These men, among them General Wade Hampton of South Carolina and Governor Robert Patton of Alabama, were of the slaveholding class, and they fully counted on being able to control the negro's vote by methods similar to those actually put in force a quarter of a



century later. The negroes were not as yet politically organized, were not even interested in politics, and the master class might reasonably hope to regain control of them. Whitelaw Reid published an interview with one of the Hamptons which describes the situation exactly:

A brother of General Wade Hampton, the South Carolina Hotspur, was on board. He saw no great objection to negro suffrage, so far as the whites were concerned; and for himself, South Carolinian and secessionist though he was, he was quite willing to accept it. He only dreaded its effect on the blacks themselves. Hitherto they had in the main, been modest and respectful, and mere freedom was not likely to spoil them. But the deference to them likely to be shown by partisans eager for their votes would have a tendency to uplift them and unbalance them. Beyond this, no harm would be done the South by negro suffrage. The old owners would cast the votes of their people almost as absolutely and securely as they cast their own. If Northern men expected in this way to build up a northern party in the South, they were gravely mistaken. They would only be multiplying the power of the old and natural leaders of Southern politics by giving every vote to a former slave. Heretofore such men had served their masters only in the fields; now they would do no less faithful service at the polls. If the North could stand it, the South could. For himself, he should make no special objection to negro suffrage as one of the terms of reorganization, and

if it came, he did not think the South would have much cause to regret it.

To sum up the situation at this time: the negro population at the close of the war constituted a tremendous problem for those in authority. The race was free, but without status, without leaders, without property, and without education. Probably a fourth of them had some experience in freedom before the Confederate armies surrendered, and the servitude of the other three millions ended very quickly and without violence. But in the Black Belt, where the bulk of the black population was to be found, the labor system was broken up, and for several months the bewildered freedmen wandered about or remained at home under conditions which were bad for health, morals, and thrift. The Northern negroes did not furnish the expected leadership for the race, and the more capable men in the South showed a tendency to go North. The unsettled state of the negroes and their expectation of receiving a part of the property of the whites kept the latter uneasy and furnished the occasion of frequent conflicts. Not the least of the unsettling influences at work upon the negro population were the colored troops and the agitators furnished by the Freedmen's Bureau, the mis-

sions, and the Bureau schools. But at the beginning of the year 1866 the situation appeared to be clearing, and the social and economic revolution seemed on the way to a quieter ending than might have been expected.

## CHAPTER III.

### THE WORK OF THE PRESIDENTS

THE war ended slavery, but it left the problem of the freed slave; it preserved the Union in theory, but it left unsolved many delicate problems of readjustment. Were the seceded States in or out of the Union? If in the Union, what rights had they? If they were not in the Union, what was their status? What was the status of the Southern Unionist, of the ex-Confederate? What punishments should be inflicted upon the Southern people? What authority, executive or legislative, should carry out the work of reconstruction? The end of the war brought with it, in spite of much discussion, no clear answer to these perplexing questions.

Unfortunately, American political life, with its controversies over colonial government, its conflicting interpretations of written constitutions, and its legally trained statesmen, had by the middle of the nineteenth century produced a habit

of political thought which demanded the settlement of most governmental matters upon a theoretical basis. And now in 1865 each prominent leader had his own plan of reconstruction fundamentally irreconcilable with all the others, because rigidly theoretical. During the war the powers of the Executive had been greatly expanded and a legislative reaction was to be expected. The Constitution called for fresh interpretation in the light of the Civil War and its results.

The first theory of reconstruction may be found in the Crittenden-Johnson resolutions of July, 1861, which declared that the war was being waged to maintain the Union under the Constitution and that it should cease when these objects were obtained. This would have been subscribed to in 1861 by the Union Democrats and by most of the Republicans, and in 1865 the conquered Southerners would have been glad to reënter the Union upon this basis; but though in 1865 the resolution still expressed the views of many Democrats, the majority of Northern people had moved away from this position.

The attitude of Lincoln, which in 1865 met the views of a majority of the Northern people though not of the political leaders, was that "no State can

upon its mere motion get out of the Union," that the States survived though there might be some doubt about state governments, and that "loyal" state organizations might be established by a population consisting largely of ex-Confederates who had been pardoned by the President and made "loyal" for the future by an oath of allegiance. Reconstruction was, Lincoln thought, a matter for the Executive to handle. But that he was not inflexibly committed to any one plan is indicated by his proclamation after the pocket veto of the Wade-Davis Bill and by his last speech, in which he declared that the question of whether the seceded States were in the Union or out of it was "merely a pernicious abstraction." In addition, Lincoln said:

We are all agreed that the seceded States, so called, are out of their proper practical relation with the Union, and that the sole object of the government, civil and military, in regard to those States is to again get them into that proper practical relation. I believe that it is not only possible, but in fact easier, to do this without deciding or even considering whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restore the proper practical relations between these States and the Union, and each

forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it.

President Johnson's position was essentially that of Lincoln, but his attitude toward the working out of the several problems was different. He maintained that the States survived and that it was the duty of the Executive to restore them to their proper relations. "The true theory," said he, "is that all pretended acts of secession were from the beginning null and void. The States cannot commit treason nor screen individual citizens who may have committed treason any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed." Lincoln would have had no severe punishments inflicted even on leaders, but Johnson wanted to destroy the "slavocracy," root and branch. Confiscation of estates would, he thought, be a proper measure. He said on one occasion: "Traitors should take a back seat in the work of restoration. . . . My judgment is that he [a rebel]

should be subjected to a severe ordeal before he is restored to citizenship. Treason should be made odious, and traitors must be punished and impoverished. Their great plantations must be seized, and divided into small farms and sold to honest, industrious men." The violence of Johnson's views subsequently underwent considerable modification but to the last he held to the plan of executive restoration based upon state perdurance. Neither Lincoln nor Johnson favored a change of Southern institutions other than the abolition of slavery, though each recommended a qualified negro suffrage.

There were, however, other theories in the field, notably those of the radical Republican leaders. According to the state-suicide theory of Charles Sumner, "any vote of secession or other act by which any State may undertake to put an end to the supremacy of the Constitution within its territory is inoperative and void against the Constitution, and when sustained by force it becomes a practical *abdication* by the State of all rights under the Constitution, while the treason it involves still further works an instant *forfeiture* of all those functions and powers essential to the continued existence of the State as a body politic, so that from



that time forward the territory falls under the exclusive jurisdiction of Congress as other territory, and the State, being according to the language of the law *felo de se*, ceases to exist." Congress should punish the "rebels" by abolishing slavery, by giving civil and political rights to negroes, and by educating them with the whites.

Not essentially different, but harsher, was Thaddeus Stevens's plans for treating the South as a conquered foreign province. Let the victors treat the seceded States "as conquered provinces and settle them with new men and exterminate or drive out the present rebels as exiles." Congress in dealing with these provinces was not bound even by the Constitution, "a bit of worthless parchment," but might legislate as it pleased in regard to slavery, the ballot, and confiscation. With regard to the white population he said: "I have never desired bloody punishments to any great extent. But there are punishments quite as appalling, and longer remembered, than death. They are more advisable, because they would reach a greater number. Strip a proud nobility of their bloated estates; reduce them to a level with plain republicans; send them forth to labor, and teach their children to enter the workshops or handle a plow,

and you will thus humble the proud traitors.” Stevens and Sumner agreed in reducing the Southern States to a territorial status. Sumner would then take the principles of the Declaration of Independence as a guide for Congress, while Stevens would leave Congress absolute. Neither considered the Constitution as of any validity in this crisis.

As a rule the former abolitionists were in 1865 advocates of votes and lands for the negro, in whose capacity for self-rule they had complete confidence. The view of Gerrit Smith may be regarded as typical of the abolitionist position:

Let the first condition of peace with them be that no people in the rebel States shall ever lose or gain civil or political rights by reason of their race or origin. The next condition of peace be that our black allies in the South — those saviours of our nation — shall share with their poor white neighbors in the subdivisions of the large landed estates of the South. Let the only other condition be that the rebel masses shall not, for say, a dozen years, be allowed access to the ballot-box, or be eligible to office; and that the like restrictions be for life on their political and military leaders. . . . The mass of the Southern blacks fall, in point of intelligence, but little, if any, behind the mass of the Southern whites. . . . In reference to the qualifications of the voter, men make too much account of the head and too little of the heart. The ballot-box, like God, says: “Give me your heart.”

The best-hearted men are the best qualified to vote; and, in this light, the blacks, with their characteristic gentleness, patience, and affectionateness, are peculiarly entitled to vote. We cannot wonder at Swedenborg's belief that the celestial people will be found in the interior of Africa; nor hardly can we wonder at the legend that the gods came down every year to sup with their favorite Africans.

One of the most statesmanlike proposals was made by Governor John A. Andrew of Massachusetts. If, forgetting their theories, the conservatives could have united in support of a restoration conceived in his spirit, the goal might have been speedily achieved. Andrew demanded a reorganization, based upon acceptance of the results of the war, but carried through with the aid of "those who are by their intelligence and character the natural leaders of their people and who surely will lead them by and by." These men cannot be kept out forever, said he, for

the capacity of leadership is a gift, not a device. They whose courage, talents, and will entitle them to lead, will lead. . . . If we cannot gain their support of the just measures needful for the work of safe reorganization, reorganization will be delusive and full of danger. They are the most hopeful subjects to deal with. They have the brain and the experience and the education to enable them to understand . . . the present situation.

They have the courage as well as the skill to lead the people in the direction their judgments point. . . . Is it consistent with reason and our knowledge of human nature, to believe the masses of Southern men able to face about, to turn their backs on those they have trusted and followed, and to adopt the lead of those who have no magnetic hold on their hearts or minds? It would be idle to reorganize by the colored vote. If the popular vote of the white race is not to be had in favor of the guarantees justly required, then I am in favor of holding on — just where we are now. I am not in favor of a surrender of the present rights of the Union to a struggle between a white minority aided by the freedmen on one hand, against the majority of the white race on the other. I would not consent, having rescued those states by arms from Secession and rebellion, to turn them over to anarchy and chaos.

The Southerners, Unionists as well as Confederates, had their views as well, but at Washington these carried little influence. The former Confederates would naturally favor the plan which promised best for the white South, and their views were most nearly met by those of President Lincoln. Although he held that in principle a new Union had arisen out of the war, as a matter of immediate political expediency he was prepared to build on the assumption that the old Union still existed. The Southern Unionists cared little for theories; they wanted the Confederates punished, themselves

promoted to high offices, and the negro kept from the ballot box.

Even at the beginning of 1866, it was not too much to hope that the majority of former Republicans would accept conservative methods, provided the so-called "fruits of the war" were assured — that is, equality of civil rights, the guarantee of the United States war debt, the repudiation of the Confederate debt, the temporary disfranchisement of the leading Confederates, and some arrangement which would keep the South from profiting by representation based on the non-voting negro population. But amid many conflicting policies, none attained to continuous and compelling authority.

The plan first put to trial was that of President Lincoln. It was a definite plan designed to meet actual conditions and, had he lived, he might have been able to carry it through successfully. Not a theorist, but an opportunist of the highest type, sobered by years of responsibility in war time, and fully understanding the precarious situation in 1865, Lincoln was most anxious to secure an early restoration of solidarity with as little friction as possible. Better than most Union leaders he appreciated conditions in the South, the problem of the races, the weakness of the Southern Unionists,

and the advantage of calling in the old Southern leaders. He was generous and considerate; he wanted no executions or imprisonments; he wished the leaders to escape; and he was anxious that the mass of Southerners be welcomed back without loss of rights. "There is," he declared, "too little respect for their rights," an unwillingness, in short, to treat them as fellow citizens.

This executive policy had been applied from the beginning of the war as opportunity offered. The President used the army to hold the Border States in the Union, to aid in "reorganizing" Unionist Virginia and in establishing West Virginia. The army, used to preserve the Union might be used also to restore disturbed parts of it to normal condition. Assuming that the "States" still existed, "loyal" state governments were the first necessity. By his proclamation of December 8, 1863, Lincoln suggested a method of beginning the reconstruction: he would pardon any Confederate, except specified classes of leaders, who took an oath of loyalty for the future; if as many as ten per cent of the voting population of 1860, thus made loyal, should establish a state government the Executive would recognize it. The matter of slavery must, indeed, be left to the laws and proclamations as

interpreted by the courts, but other institutions should continue as in 1861.

This plan was inaugurated in four States which had been in part controlled by the Federal army from nearly the beginning of the war: Tennessee (1862), Louisiana (1862), Arkansas (1862), and Virginia after the formation of West Virginia (1863). For each State, Lincoln appointed a military governor: for Tennessee, Andrew Johnson; for Arkansas, John S. Phelps; for Louisiana, General Shepley. In Virginia he recognized the "reorganized" government, which had been transferred to Alexandria when the new State of West Virginia was formed. The military governors undertook the slow and difficult work of reorganization, however, with but slight success owing to the small numbers of Unionists and of Confederates who would take the oath. But by 1864 "ten per cent" state governments were established in Arkansas and Louisiana, and progress was being made in Tennessee.

Congress was impatient of Lincoln's claim to executive precedence in the matter of reconstruction, and in 1864 both Houses passed the Wade-Davis Bill, a plan which asserted the right of Congress to control reconstruction and foreshadowed a



radical settlement of the question. Lincoln disposed of the bill by a pocket veto and, in a proclamation dated July 8, 1864, stated that he was unprepared "to be inflexibly committed to any single plan of restoration," or to discourage loyal citizens by setting aside the governments already established in Louisiana and Arkansas, or to recognize the authority of Congress to abolish slavery. He was ready, however, to coöperate with the people of any State who wished to accept the plan prepared by Congress and he hoped that a constitutional amendment abolishing slavery would be adopted.

Lincoln early came to the conclusion that slavery must be destroyed, and he had urgently advocated deportation of the freedmen, for he believed that the two races could not live in harmony after emancipation. The nearest he came to recommending the vote for the negro was in a communication to Governor Hahn of Louisiana in March, 1864: "I barely suggest, for your private consideration, whether some of the colored people may not be let in, as for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty



within the family of freedom. But this is only a suggestion, not to the public, but to you alone."

Throughout the war President Lincoln assumed that the state organizations in the South were illegal because disloyal and that new governments must be established. But just at the close of the war, probably carried away by feeling, he all but recognized the Virginia Confederate Government as competent to bring the State back into the Union. While in Richmond on April 5, 1865, he gave to Judge Campbell a statement of terms: the national authority to be restored; no recession on slavery by the Executive; hostile forces to disband. The next day he notified General Weitzel, in command at Richmond, that he might permit the Virginia Legislature to meet and withdraw military and other support from the Confederacy. But these measures met strong opposition in Washington, especially from Secretary Stanton and Senator Wade and other congressional leaders, and on the 11th of April Lincoln withdrew his permission for the Legislature to meet. "I cannot go forward," he said, "with everybody opposed to me." It was on the same day that he made his last public speech, and Sumner, who was strongly opposed to his policy, remarked that "the President's

speech and other things augur confusion and uncertainty in the future, with hot contumacy." At a cabinet meeting on the 14th of April, Lincoln made his last statement on the subject. It was fortunate, he said, that Congress had adjourned, for "we shall reanimate the States" before Congress meets; there should be no killing, no persecutions; there was too much disposition to treat the Southern people "not as fellow citizens."

The possibility of a conciliatory restoration ended when Lincoln was assassinated. Moderate, firm, tactful, of great personal influence, not a doctrinaire, and not a Southerner like Johnson, Lincoln might have "prosecuted peace" successfully. His policy was very unlike that proposed by the radical leaders. They would base the new governments upon the loyalty of the past plus the aid of enfranchised slaves; he would establish the new régime upon the loyalty of the future. Like Governor Andrew he thought that restoration must be effected by the willing efforts of the South. He would aid and guide but not force the people. If the latter did not wish restoration, they might remain under military rule. There should be no forced negro suffrage, no sweeping disfranchisement of whites, no "carpetbaggism."

The work of President Johnson demands for its proper understanding some consideration of the condition of the political parties at the close of the war, for politics had much to do with reconstruction. The Democratic party, divided and defeated in the election of 1860, lost its Southern members in 1861 by the secession and remained a minority party during the remainder of the war. It retained its organization, however, and in 1864 polled a large vote. Discredited by its policy of opposition to Lincoln's Administration, its ablest leaders joined the Republicans in support of the war. Until 1869 the party was poorly represented in Congress although, as soon as hostilities ended, the War Democrats showed a tendency to return to the old party. As to reconstruction, the party stood on the Crittenden-Johnson resolutions of 1861, though most Democrats were now willing to have slavery abolished.

The Republican party — frankly sectional and going into power on the single issue of opposition to the extension of slavery — was forced by the secession movement to take up the task of preserving the Union by war. Consequently, the party developed new principles, welcomed the aid of the War Democrats, and found it advisable to

drop its name and with its allies to form the Union or National Union party. It was this National Union party which in 1864 nominated Abraham Lincoln, a Republican, and Andrew Johnson, a Democrat, on the same ticket. Lincoln's second Cabinet was composed of both Republicans and War Democrats. When the war ended, the conservative leaders were anxious to hold the Union party together in order to be in a better position to settle the problems of reconstruction, but the movement of the War Democrats back to their old party tended to leave in the Union party only its Republican members, with the radical leaders dominating.

In the South the pressure of war so united the people that party divisions disappeared for a time, but the causes of division continued to exist and two parties, at least, would have developed had the pressure been removed. Though all factions supported the war after it began, the former Whigs and Douglas Democrats, when it was over, liked to remember that they had been "Union" men in 1860 and expected to organize in opposition to the extreme Democrats, who were now charged with being responsible for the misfortunes of the South. They were in a position to affiliate with the

National Union party of the North if proper inducements were offered, while the regular Democrats were ready to rejoin their old party. But the embittered feelings resulting from the murder of Lincoln and the rapid development of the struggle between President Johnson and Congress caused the radicals "to lump the old Union Democrats and Whigs together with the secessionists — and many were driven where they did not want to go, into temporary affiliation with the Democratic party." Thousands went very reluctantly; the old Whigs, indeed, were not firmly committed to the Democrats until radical reconstruction had actually begun. Still other "loyalists" in the South were prepared to join the Northern radicals in advocating the disfranchisement of Confederates and in opposing the granting of suffrage to the negroes.

The man upon whom fell the task of leading these opposing factions, radical and conservative, along a definite line of action looking to reunion had few qualifications for the task. Johnson was ill-educated, narrow, and vindictive and was positive that those who did not agree with him were dishonest. Himself a Southerner, picked up by the National Union Convention of 1864, as Thaddeus Stevens said, from "one of those damned rebel

provinces," he loved the Union, worshiped the Constitution, and held to the strict construction views of the State Rights Democrats. Rising from humble beginnings, he was animated by the most intense dislike of the "slavocracy," as he called the political aristocracy of the South. Like many other American leaders he was proud of his humble origin, but unlike many others he never sloughed off his backwoods crudeness. He continually boasted of himself and vilified the aristocrats, who in return treated him badly. His dislike of them was so marked that Isham G. Harris, a rival politician, remarked that "if Johnson were a snake, he would lie in the grass to bite the heels of rich men's children." His primitive notions of punishment were evident in 1865 when he advocated imprisonment, execution, and confiscation; but like other reckless talkers he often said more than he meant.

When Johnson succeeded to the presidency, the feeling was nearly universal among the radicals, according to Julian, that he would prove a god-send to the country, for "aside from Mr. Lincoln's known policy of tenderness to the rebels, which now so jarred upon the feelings of the hour, his well known views on the subject of reconstruction were as distasteful as possible to radical Republicans."

Senator Wade declared to the President: "Johnson, we have faith in you. By the gods, there will be no trouble now in running the Government!" To which Johnson replied: "Treason is a crime and crime must be punished. Treason must be made infamous and traitors must be impoverished." These words are an index to the speeches of Johnson during 1863-65. Even his radical friends feared that he would be too vindictive. For a few weeks he was much inclined to the radical plans, and some of the leaders certainly understood that he was in favor of negro suffrage, the supreme test of radicalism. But when the excitement caused by the assassination of Lincoln and the break-up of the Confederacy had moderated somewhat, Johnson saw before him a task so great that his desire for violent measures was chilled. He must disband the great armies and bring all war work to an end; he must restore intercourse with the South, which had been blockaded for years; he must for a time police the country, look after the negroes, and set up a temporary civil government; and finally he must work out a restoration of the Union. Sobered by responsibility and by the influence of moderate advisers, he rather quickly adopted Lincoln's policy.



Johnson at first set his face against the movements toward reconstruction by the state governments already organized and by those people who wished to organize new governments on Lincoln's ten per cent plan. As soon as possible the War Department notified the Union commanders to stop all attempts at reconstruction and to pursue and arrest all Confederate governors and other prominent civil leaders. The President was even anxious to arrest the military leaders who had been paroled but was checked in this desire by General Grant's firm protest. His cabinet advisers supported Johnson in refusing to recognize the Southern state governments; but three of them — Seward, Welles, and McCulloch — were influential in moderating his zeal for inflicting punishments. Nevertheless he soon had in prison the most prominent of the Confederate civilians and several general officers. The soldiers, however, were sent home, trade with the South was permitted, and the Freedmen's Bureau was rapidly extended.

Previous to this Johnson had brought himself to recognize, early in May, the Lincoln "ten per cent" governments of Louisiana, Tennessee, and Arkansas, and the reconstructed Alexandria government of Virginia. Thus only seven States were



left without legal governments, and to bring those States back into the Union Johnson inaugurated on May 29, 1865, a plan which was like that of Lincoln but not quite so liberal. In his Amnesty Proclamation, Johnson made a longer list of exceptions aimed especially at the once wealthy slave owners. On the same day he proclaimed the restoration of North Carolina. A provisional governor, W. W. Holden, was appointed and directed to reorganize the civil government and to call a constitutional convention elected by those who had taken the amnesty oath. This convention was to make necessary amendments to the constitution and to "restore said State to its constitutional relations to the Federal Government." It is to be noted that Johnson fixed the qualifications of delegates and of those who elected them, but, this stage once passed, the convention or the legislature would "prescribe the qualifications of electors . . . a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the government to the present time." The President also directed the various cabinet officers to extend the work of their departments over the Confederate States and ordered the army officers to assist the civil

authorities. During the next six weeks similar measures were undertaken for the remaining six States of the Confederacy.

To set up the new order army officers were first sent into every county to administer the amnesty oath and thus to secure a "loyal" electorate. In each State the provisional governor organized out of the remains of the Confederate local régime a new civil government. Confederate local officials who could and would take the amnesty oath were directed to resume office until relieved; the laws of 1861, except those relating to slavery, were declared to be in force; the courts were directed to use special efforts to crush lawlessness; and the old jury lists were destroyed and new ones were drawn up containing only the names of those who had taken the amnesty oath. Since there was no money in any state treasury, small sums were now raised by license taxes. A full staff of department heads was appointed, and by July, 1865, the provisional governments were in fair working order.

To the constitutional conventions, which met in the fall, it was made clear, through the governors, that the President would insist upon three conditions: the formal abolition of slavery, the repudiation of the ordinance of secession, and

the repudiation of the Confederate war debt. To Governor Holden he telegraphed: "Every dollar of the debt created to aid the rebellion against the United States should be repudiated finally and forever. The great mass of the people should not be taxed to pay a debt to aid in carrying on a rebellion which they in fact, if left to themselves, were opposed to. Let those who had given their means for the obligations of the state look to that power they tried to establish in violation of law, constitution, and will of the people. They must meet their fate." With little opposition these conditions were fulfilled, though there was a strong feeling against the repudiation of the debt, much discussion as to whether the ordinance of secession should be "repealed" or declared "now and always null and void," and some quibbling as to whether slavery was being destroyed by state action or had already been destroyed by war.

In the old state constitutions, very slight changes were made. Of these the chief were concerned with the abolition of slavery and the arrangement of representation and direct taxation on the basis of white population. Little effort was made to settle any of the negro problems, and in all States the conventions left it to the legislatures to make

laws for the freedmen. There was no discussion of negro suffrage in the conventions, but President Johnson sent what was for him a remarkable communication to Governor Sharkey of Mississippi:

If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you would thus place Southern States in reference to free persons of color upon the same basis with the free States. . . . And as a consequence the radicals, who are wild upon negro franchise, will be completely foiled in their attempts to keep the Southern States from renewing their relations to the Union by not accepting their senators and representatives.

In deciding upon a basis of representation it was clear that the majority of delegates desired to lessen the influence of the Black Belt and place the control of the government with the "up country." In the Alabama convention Robert M. Patton, then a delegate and later governor, frankly avowed this object, and in South Carolina Governor Perry urged the convention to give no consideration to negro suffrage, "because this is a white man's

government," and if the negroes should vote they would be controlled by a few whites. A kindly disposition toward the negroes was general except on the part of extreme Unionists, who opposed any favors to the race. "This is a white man's country" was a doctrine to which all the conventions subscribed.

The conventions held brief sessions, completed their work, and adjourned, after directing that elections be held for state and local officers and for members of Congress. Before December the appointed local officials had been succeeded by elected officers; members of Congress were on their way to Washington; the state legislatures were assembling or already in session; and the elected governors were ready to take office. It was understood that as soon as enough state legislatures ratified the Thirteenth Amendment to make it a part of the Constitution, the President would permit the transfer of authority to the new governors. The Legislature of Mississippi alone was recalcitrant about the amendment, and before January, 1866, the elected officials were everywhere installed except in Texas, where the work was not completed until March. When Congress met in December, 1865, the President reported that all former Confederate States except Texas were

ready to be readmitted. Congress, however, refused to admit their senators and representatives, and thus began the struggle which ended over a year later with the victory of the radicals and the undoing of the work of the two Presidents.

The plan of the Presidents was at best only imperfectly realized. It was found impossible to reorganize the Federal Administration in the South with men who could subscribe to the "ironclad oath," for nearly all who were competent to hold office had favored or aided the Confederacy. It was two years before more than a third of the post offices could be opened. The other Federal departments were in similar difficulties, and at last women and "carpetbaggers" were appointed. The Freedmen's Bureau, which had been established coincidently with the provisional governments, assumed jurisdiction over the negroes, while the army authorities very early took the position that any man who claimed to be a Unionist should not be tried in the local courts but must be given a better chance in a provost court. Thus a third or more of the population was withdrawn from the control of the state government. In several States the head of the Bureau made arrangements for local magistrates and officials to act as

Bureau officials, and in such cases the two authorities acted in coöperation. The army of occupation, too, exerted an authority which not infrequently interfered with the workings of the new state government. Nearly everywhere there was a lack of certainty and efficiency due to the concurrent and sometimes conflicting jurisdictions of state government, army commanders, Bureau authorities, and even the President acting upon or through any of the others.

The standing of the Southern state organizations was in doubt after the refusal of Congress to recognize them. Nevertheless, in spite of this uncertainty they continued to function as States during the year of controversy which followed; the courts were opened and steadily grew in influence; here and there militia and patrols were reorganized; officials who refused to "accept the situation" were dismissed; elections were held; the legislatures revised the laws to fit new conditions and enacted new laws for the emancipated blacks. To all this progress in reorganization the action of Congress was a severe blow, since it gave notice that none of the problems of reconstruction were yet solved. An increasing spirit of irritation and independence was observed throughout the States in question,



and at the elections the former Confederates gained more and more offices. The year was marked in the South by the tendency toward the formation of parties, by the development of the "Southern outrages" issue, by an attempt to frustrate radical action, and finally by a line-up of the great mass of the whites in opposition to the Fourteenth Amendment and other radical plans of Congress.

The Joint Committee on Reconstruction, appointed when Congress refused to accept the work of President Johnson, proceeded during several months to take testimony and to consider measures. The testimony, which was taken chiefly to support opinions already formed, appeared to prove that the negroes and the Unionists were so badly treated that the Freedmen's Bureau and the army must be kept in the South to protect them; that free negro labor was a success but that the whites were hostile to it; that the whites were disloyal and would, if given control of the Southern governments and admitted to Congress, constitute a danger to the nation and especially to the party in power.

To convince the voters of the North of the necessity of dealing drastically with the South a campaign of misrepresentation was begun in the



summer of 1865, which became more and more systematic and unscrupulous as the political struggle at Washington grew fiercer. Newspapers regularly ran columns headed "Southern Outrages" and every conceivable mistreatment of blacks by whites was represented as taking place on a large scale. As General Richard Taylor said, it would seem that about 1866 every white man, woman, and child in the South began killing and maltreating negroes. In truth, there was less and less ground for objection to the treatment of the blacks as time went on and as the several agencies of government secured firmer control over the lawless elements. But fortunately for the radicals their contention seemed to be established by riots on a large scale in Memphis and New Orleans where negroes were killed and injured in much greater number than whites.

The rapid development of the radical plans of Congress checked the tendency toward political division in the South. Only a small party of rabid Unionists would now affiliate with the radicals, while all the others reluctantly held together, endorsed Johnson's policy, and attempted to affiliate with the disintegrating National Union party. But the defeat of the President's policies in the

elections of 1866, the increasing radicalism of Congress as shown by the Civil Rights Act, the expansion of the Freedmen's Bureau, the report of the Joint Committee on Reconstruction, and the proposal of the Fourteenth Amendment led farsighted Southerners to see that the President was likely to lose in his fight with Congress.

Now began, in the latter half of 1866, with some coöperation in the North and probably with the approval of the President, a movement in the South to forestall the radicals by means of a settlement which, although less severe than the proposed Fourteenth Amendment, might yet be acceptable to Congress. One feature of the settlement was to be some form of negro suffrage, either by local action or by constitutional amendment. Those behind this schème were mainly of the former governing class. Negro suffrage, they thought, would take the wind out of the radical sails, the Southern whites would soon be able to control the blacks, representation in Congress would be increased, and the Black Belt would perhaps regain its former political hegemony. It is hardly necessary to say that the majority of the whites were solidly opposed to such a measure. But it was hoped to carry it under pressure through the

Legislature or to bring it about indirectly through rulings of the Freedmen's Bureau.

Coincident with this scheme of partial negro suffrage an attempt was made by the conservative leaders in Washington, working with the Southerners, to propose a revised Fourteenth Amendment which would give the vote to competent negroes and not disfranchise the whites. A conference of Southern governors met in Washington early in 1867 and drafted such an amendment. But it was too late.

Meanwhile the Fourteenth Amendment submitted by Congress had been brought before the Southern legislatures and during the winter of 1866-67 it was rejected by all of them. There was strong opposition to it because it disfranchised the leading whites, but perhaps the principal reason for its rejection was that the Southern people were not sure that still more severe conditions might not be imposed later.

While the President was "restoring" the States which had seceded and struggling with Congress, the Border States of the South, including Tennessee (which was admitted in 1866 by reason of its radical state government), were also in the throes of reconstruction. Though there was less military

interference in these than in the other States, many of the problems were similar. All had the Freedmen's Bureau, the negro race, the Unionists, and the Confederates; in every State, except Kentucky, Confederates were persecuted, the minority was in control, and "ring" rule was the order of the day; but in each State there were signs of the political revolution which a few years later was to put the radicals out of power.

The executive plan for the restoration of the Union, begun by Lincoln and adopted by Johnson, was, as we have seen, at first applied in all the States which had seceded. A military governor was appointed in each State by the President by virtue of his authority as commander in chief. This official, aided by a civilian staff of his own choice and supported by the United States army and other Federal agencies, reorganized the state administration and after a few months turned the state and local governments over to regularly elected officials. Restoration should now have been completed, but Congress refused to admit the senators and representatives of these States, and entered upon a fifteen months' struggle with the President over details of the methods of the reconstruction. Meanwhile the Southern States, though unrepresented in

Congress, continued their activities, with some interference from Federal authorities, until Congress in 1867 declared their governments non-existent.

The work begun by Lincoln and Johnson deserved better success. The original plan restored to political rights only a small number of Unionists, the lukewarm Confederates, and the unimportant. But in spite of the threatening speeches of Johnson he used his power of pardon until none except the most prominent leaders were excluded. The personnel of the Johnson governments was fair. The officials were, in the main, former Douglas Democrats and Whigs, respectable and conservative, but not admired or loved by the people. The conventions and the legislatures were orderly and dignified and manifested a desire to accept the situation.

There were no political parties at first, but material for several existed. If things had been allowed to take their course there would have arisen a normal cleavage between former Whigs and Democrats, between the up-country and the low country, between the slaveholders and the non-slaveholders. The average white man in these governments was willing to be fair to the negro but was not greatly concerned about his future. In the view of most white people it was the white

man who was emancipated. The white districts had no desire to let the power return to the Black Belt by giving the negro the ballot, for the vote of the negroes, they believed, would be controlled by their former masters.

Johnson's adoption of Lincoln's plan gave notice to all that the radicals had failed to control him. He and they had little in common; they wished to uproot a civilization, while he wished to punish individuals; they were not troubled by constitutional scruples, while he was the strictest of State Rights Democrats; they thought principally of the negro and his potentialities, while Johnson was thinking of the emancipated white man. It is possible that Lincoln might have succeeded, but for Johnson the task proved too great.

## CHAPTER IV

### THE WARDS OF THE NATION

THE negroes at the close of the war were not slaves or serfs, nor were they citizens. What was to be done with them and for them? The Southern answer to this question may be found in the so-called "Black Laws," which were enacted by the state governments set up by President Johnson. The views of the dominant North may be discerned in part in the organization and administration of the Freedmen's Bureau. The two sections saw the same problem from different angles and their proposed solutions were of necessity opposed in principle and in practice.

The South desired to fit the emancipated negro race into the new social order by frankly recognizing his inferiority to the whites. In some things racial separation was unavoidable. New legislation consequently must be enacted, because the slave codes were obsolete; because the old laws

made for the small free negro class did not meet present conditions; and because the emancipated blacks could not be brought conveniently and at once under laws originally devised for a white population. The new laws must meet many needs; family life, morals, and conduct must be regulated; the former slave must be given a status in court in order that he might be protected in person and property; the old, the infirm, and the orphans must be cared for; the white race must be protected from lawless blacks and the blacks from unscrupulous and violent whites; the negro must have an opportunity for education; and the roving blacks must be forced to get homes, settle down, and go to work.

Pending such legislation the affairs of the negro remained in control of the unpopular Freedmen's Bureau — a "system of espionage," as Judge Clayton of Alabama called it, and, according to Governor Humphreys of Mississippi, "a hideous curse" under which white men were persecuted and pillaged. Judge Memminger of South Carolina, in a letter to President Johnson, emphasized the fact that the whites of England and the United States gained civil and political rights through centuries of slow advancement and that they were far ahead



of the people of European states. Consequently, it would be a mistake to give the freedmen a status equal to that of the most advanced whites. Rather, let the United States profit by the experience of the British in their emancipation policies and arrange a system of apprenticeship for a period of transition. When the negro should be fit, let him be advanced to citizenship.

Most Southern leaders agreed that the removal of the master's protection was a real loss to the negro which must be made good to some extent by giving the negro a status in court and by accepting negro testimony in all cases in which blacks were concerned. The North Carolina committee on laws for freedmen agreed with objectors that "there are comparatively few of the slaves lately freed who are honest" and truthful, but maintained that the negroes were capable of improvement. The chief executives of Mississippi and Florida declared that there was no danger to the whites in admitting the more or less unreliable negro testimony, for the courts and juries would in every case arrive at a proper valuation of it. Governors Marvin of Florida and Humphreys of Mississippi advocated practical civil equality, while in North Carolina and several other States there was a

disposition to admit negro testimony only in cases in which negroes were concerned. The North Carolina committee recommended the abolition of whipping as a punishment unfit for free people, and most States accepted this principle. Even in 1865 the general disposition was to make uniform laws for both races, except in regard to violation of contracts, immoral conduct, vagrancy, marriage, schools, and forms of punishment. In some of these matters the whites were to be more strictly regulated; in others, the negroes.

There was further general agreement that in economic relations both races must be protected, each from the other; but it is plain that the leaders believed that the negro had less at stake than the white. The negro was disposed to be indolent; he knew little of the obligations of contracts; he was not honest; and he would leave his job at will. Consequently Memminger recommended apprenticeship for all negroes; Governor Marvin suggested it for children alone; and others wished it provided for orphans only. Further, the laws enacted must force the negroes to settle down, to work, and to hold to contracts. Memminger showed that, without legislation to enforce contracts and to secure eviction of those who refused

to work, the white planter in the South was wholly at the mercy of the negro. The plantations were scattered, the laborers' houses were already occupied, and there was no labor market to which a planter could go if the laborers deserted his fields.

What would the negro become if these leaders of reconstruction were to have their way? Something better than a serf, something less than a citizen — a second degree citizen, perhaps, with legal rights about equal to those of white women and children. Governor Marvin hoped to make of the race a good agricultural peasantry; his successor was anxious that the blacks should be preferred to European immigrants; others agreed with Memminger that after training and education he might be advanced to full citizenship.

These opinions are representative of those held by the men who, Memminger excepted, were placed in charge of affairs by President Johnson and who were not specially in sympathy with the negroes or with the planters but rather with the average white. All believed that emancipation was a mistake, but all agreed that "it is not the negro's fault" and gave no evidence of a disposition to perpetuate slavery under another name.

The legislation finally framed showed in its

discriminatory features the combined influence of the old laws for free negroes, the vagrancy laws of North and South for whites, the customs of slavery times, the British West Indies legislation for ex-slaves, and the regulations of the United States War and Treasury Departments and of the Freedmen's Bureau — all modified and elaborated by the Southern whites. In only two States, Mississippi and South Carolina, did the legislation bulk large in quantity; in other States discriminating laws were few; in still other States none were passed except those defining race and prohibiting intermarriage.

In all of the state laws there were certain common characteristics, among which were the following: the descendant of a negro was to be classed as a negro through the third generation,<sup>1</sup> even though one parent in each generation was white; intermarriage of the races was prohibited; existing slave marriages were declared valid and for the future marriage was generally made easier for the blacks than for the whites. In all States the negro was given his day in court, and in cases relating to negroes his testimony was accepted; in six States he might testify in any case. When provision was

<sup>1</sup> Fourth in Tennessee.

made for schooling, the rule of race separation was enforced. In Mississippi the "Jim Crow car," or separate car for negroes, was invented. In several States the negro had to have a license to carry weapons, to preach, or to engage in trade. In Mississippi, a negro could own land only in town; in other States he could purchase land only in the country. Why the difference, no one knows and probably few knew at the time. Some of the legislation was undoubtedly hasty and ill-considered.

But the laws relating to apprenticeship, vagrancy, and enforced punitive employment turned out to be of greater practical importance. On these subjects the legislation of Mississippi and South Carolina was the most extreme. In Mississippi negro orphans were to be bound out, preferably to a former master, if "he or she shall be a suitable person." The master was given the usual control over apprentices and was bound by the usual duties, including that of teaching the apprentice. But the penalties for "enticing away" apprentices were severe. The South Carolina statute was not essentially different. The vagrancy laws of these two States were in the main the same for both races, but in Mississippi the definition of vagrancy was enlarged to include negroes not at work,

those "found unlawfully assembling themselves together," and "all white persons assembling themselves with freedmen." It is to be noted that nearly all punishment for petty offenses took the form of hiring out, preferably to the former master or employer. The principal petty offenses were, it would seem, vagrancy and "enticing away" laborers or apprentices. The South Carolina statute contains some other interesting provisions. A negro, man or woman, who had enjoyed the companionship of two or more spouses, must by April 1, 1866, select one of them as a permanent partner; a farm laborer must "rise at dawn," feed the animals, care for the property, be quiet and orderly, and "retire at reasonable hours"; on Sunday the servants must take turns in doing the necessary work, and they must be respectful and civil to the "master and his family, guests, and agents"; to engage in skilled labor the negro must obtain a license. Whipping and the pillory were permitted in Florida for certain offenses, and in South Carolina the master might "moderately correct" servants under eighteen years of age. Other punishments were generally the same for both races, except the hiring out for petty offenses.

From the Southern point of view none of this

legislation was regarded as a restriction of negro rights but as a wide extension to the negro of rights never before possessed, an adaptation of the white man's laws to his peculiar case. It is doubtful whether in some of the States the authorities believed that there were any discriminatory laws; they probably overlooked some of the free negro legislation already on the statute books. In Alabama, for example, General Wager Swayne, the head of the Freedmen's Bureau, reported that all such laws had either been dropped by the legislature or had been vetoed by the governor. Yet the statute books do show some discriminations. There is a marked difference between earlier and later legislation. The more stringent laws were enacted before the end of 1865. After New Year's Day had passed and the negroes had begun to settle down, the legislatures either passed mild laws or abandoned all special legislation for the negroes. Later in 1866, several States repealed the legislation of 1865.

In so far as the "Black Laws" discriminated against the negro they were never enforced but were suspended from the beginning by the army and the Freedmen's Bureau. They had, however, a very important effect upon that section of



Northern opinion which was already suspicious of the good faith of the Southerners. They were part of a plan, some believed, to reënslave the negro or at least to create by law a class of serfs. This belief did much to bring about later radical legislation.

If the "Black Laws" represented the reaction of the Southern legislatures to racial conditions, the Freedmen's Bureau was the corresponding result of the interest taken by the North in the welfare of the negro. It was established just as the war was closing and arose out of the various attempts to meet the negro problems that arose during the war. The Bureau had always a dual nature, due in part to its inheritance of regulations, precedents, and traditions from the various attempts made during war time to handle the many thousands of negroes who came under Federal control, and in part to the humanitarian impulses of 1865, born of a belief in the capacity of the negro for freedom and a suspicion that the Southern whites intended to keep as much of slavery as they could. The officials of the Bureau likewise were of two classes: those in control were for the most part army officers, standing as arbiters between white and black, usually just and seldom the victims of their sympathies; but the mass of less



responsible officials were men of inferior ability and character, either blind partisans of the negro or corrupt and subject to purchase by the whites.

In view of the fact that the Freedmen's Bureau was considered a new institution in 1865, it is rather remarkable how closely it followed in organization, purpose, and methods the precedents set during the war by the officers of the army and the Treasury. In Virginia, General Butler, in 1861, declared escaped slaves to be "contraband" and proceeded to organize them into communities for discipline, work, food, and care. His successors in Virginia and North Carolina, and others in the Sea Islands of Georgia and South Carolina, extended his plan and arranged a labor system with fixed wages, hours, and methods of work, and everywhere made use of the captured or abandoned property of the Confederates. In Tennessee and Arkansas, Chaplain John Eaton of Grant's army employed thousands in a modified free labor system; and further down in Mississippi and Louisiana Generals Grant, Butler, and Banks also put large numbers of captured slaves to work for themselves and for the Government. Everywhere, as the numbers of negroes increased, the army commanders divided the occupied negro regions into

districts under superintendents and other officials, framed labor laws, coöperated with benevolent societies which gave schooling and medical care to the blacks, and developed systems of government for them.

The United States Treasury Department, attempting to execute the confiscation laws for the benefit of the Treasury, appears now and then as an employer of negro labor on abandoned plantations. Either alone or in coöperation with the army and charitable associations, it even supervised negro colonies, and sometimes it assumed practically complete control of the economic welfare of the negro. This Department introduced in 1864 an elaborate lessee and trade system. 'The negro was regarded as "the ward of the nation," but he was told impressively that "labor is a public duty and idleness and vagrancy a crime." All wanted him to work: the Treasury wanted cotton and other crops to sell; the lessees and speculators wanted to make fortunes by his labor; and the army wanted to be free from the burden of the idle blacks. In spite of all these ministrations the negroes suffered much from harsh treatment, neglect, and unsanitary conditions.

During 1863 and 1864 several influences were

urging the establishment of a national bureau or department to take charge of matters relating to the African race. Some wished to establish on the borders of the South a paid labor system, which might later be extended over the entire region, to get more slaves out of the Confederacy into this free labor territory, and to prevent immigration of negroes into the North, which, after the Emancipation Proclamation, was apprehensive of this danger. Others wished to relieve the army and the treasury officials of the burden of caring for the blacks and to protect the latter from the "northern harpies and bloodhounds" who had fastened upon them the lessee system.

The discussion lasted for two years. The Freedmen's Inquiry Commission, after a survey of the field in 1863, recommended a consolidation of all efforts under an organization which should perpetuate the best features of the old system. But there was much opposition to this plan in Congress. The negroes would be exploited, objected some; the scheme gave too much power to the proposed organization, said others; another objection was urged against the employment of a horde of incompetent and unscrupulous officeholders, for "the men who go down there and become your overseers and

negro drivers will be your brokendown politicians and your dilapidated preachers, that description of men who are too lazy to work and just a little too honest to steal."

As the war drew to a close the advocates of a policy of consolidation in negro affairs prevailed, and on March 3, 1865, an act was approved creating in the War Department a Bureau of Refugees, Freedmen, and Abandoned Lands. This Bureau was to continue for one year after the close of the war and it was to control all matters relating to freedmen and refugees, that is, Unionists who had been driven out of the South. Food, shelter, and clothing were to be given to the needy, and abandoned or confiscated property was to be used for or leased to freedmen. At the head of the Bureau was to be a commissioner with an assistant commissioner for each of the Southern States. These officials and other employees must take the "iron-clad" oath.

It was planned that the Bureau should have a brief existence, but the institution and its wards became such important factors in politics that on July 16, 1866, after a struggle with the President, Congress passed an act over his veto amplifying the powers of the Bureau and extending it for two

years longer. This continuation of the Bureau was due to many things: to a belief that former slaveholders were not to be trusted in dealing with the negroes; to the baneful effect of the "Black Laws" upon Northern public opinion; to the struggle between the President and Congress over reconstruction; and to the foresight of radical politicians who saw in the institution an instrument for the political instruction of the blacks in the proper doctrines.

The new law was supplementary to the Act of 1865, but its additional provisions merely endorsed what the Bureau was already doing. It authorized the issue of medical supplies, confirmed certain sales of land to negroes, and provided that the promises which Sherman made in 1865 to the Sea Island negroes should be carried out as far as possible and that no lands occupied by blacks should be restored to the owners until the crops of 1866 were gathered; it directed the Bureau to coöperate with private charitable and benevolent associations, and it authorized the use or sale for school purposes of all confiscated property; and finally it ordered that the civil equality of the negro be upheld by the Bureau and its courts when state courts refused to accept the principle. By

later laws the existence of the Bureau was extended to January 1, 1869, in the unreconstructed States, but its educational and financial activities were continued until June 20, 1872.

The chief objections to the Bureau from the conservative Northern point of view were summed up in the President's veto messages. The laws creating it were based, he asserted, on the theory that a state of war still existed; there was too great a concentration of power in the hands of a few individuals who could not be held responsible; with such a large number of agents ignorant of the country and often working for their own advantage injustice would inevitably result; in spite of the fact that the negro everywhere had a status in court, arbitrary tribunals were established, without jury, without regular procedure or rules of evidence, and without appeal; the provisions in regard to abandoned lands amounted to confiscation without a hearing; the negro, who must in the end work out his own salvation, and who was protected by the demand for his labor, would be deluded into thinking his future secure without further effort on his part; although nominally under the War Department, the Bureau was not subject to military control; it was practically a

great political machine; and, finally, the States most concerned were not represented in Congress.

The Bureau was soon organized in all the former slaveholding States except Delaware, with general headquarters in Washington and state headquarters at the various capitals. General O. O. Howard, who was appointed commissioner, was a good officer, soft-hearted, honest, pious, and frequently referred to as "the Christian soldier." He was fair-minded and not disposed to irritate the Southern whites unnecessarily, but he was rather suspicious of their intentions toward the negroes, and he was a believer in the righteousness of the Freedmen's Bureau. He was not a good business man; and he was not beyond the reach of politicians. At one time he was seriously disturbed in his duties by the buzzing of the presidential bee in his bonnet. The members of his staff were not of his moral stature, and several of them were connected with commercial and political enterprises which left their motives open to criticism.

The assistant commissioners were, as a rule, general officers of the army, though a few were colonels and chaplains.<sup>1</sup> Nearly half of them had

<sup>1</sup> They numbered eleven at first and fourteen after July, 1866, and were changed so often that fifty, in all, served in this rank before January 1, 1869, when the Bureau was practically discontinued.



during the war been associated with the various attempts to handle the negro problem, and it was these men who shaped the organization of the Bureau. While few of them were immediately acceptable to the Southern whites, only ten of them proved seriously objectionable on account of personality, character, or politics. Among the most able should be mentioned Generals Schofield, Swayne, Fullerton, Steedman, and Fessenden, and Colonel John Eaton. The President had little or no control over the appointment or discipline of the officials and agents of the Bureau, except possibly by calling some of the higher army officers back to military service.

As a result of General Grant's severe criticism of the arrangement which removed the Bureau from control by the military establishment, the military commander was in a few instances also appointed assistant commissioner. Each assistant commissioner was aided by a headquarters staff and had under his jurisdiction in each State various district, county, and local agents, with a special corps of school officials, who were usually teachers and missionaries belonging to religious and charitable societies. The local agents were recruited from the members of the Veteran Reserve Corps,



the subordinate officers and non-commissioned officers of the army, mustered-out soldiers, officers of negro troops, preachers, teachers, and Northern civilians who had come South. As a class these agents were not competent persons to guide the blacks in the ways of liberty or to arbitrate differences between the races. There were many exceptions, but the Southern view as expressed by General Wade Hampton had only too much foundation: "There *may* be," he said, "an honest man connected with the Bureau." John Minor Botts, a Virginian who had remained loyal to the Union, asserted that many of the agents were good men who did good work but that trouble resulted from the ignorance and fanaticism of others. The minority members of the Ku Klux Committee condemned the agents as being "generally of a class of fanatics without character or responsibility."

The chief activities of the Bureau included the following five branches: relief work for both races; the regulation of negro labor; the administration of justice in cases concerning negroes; the management of abandoned and confiscated property; and the support of schools for the negroes.

The relief work which was carried on for more than four years consisted of caring for sick negroes

who were within reach of the hospitals, furnishing food and sometimes clothing and shelter to destitute blacks and whites, and transporting refugees of both races back to their homes. Nearly a hundred hospitals and clinics were established, and half a million patients were treated. This work was greatly needed, especially for the old and the infirm, and it was well done. The transportation of refugees did not reach large proportions, and after 1866 it was entangled in politics. But the issue of supplies in huge quantities brought much needed relief though at the same time a certain amount of demoralization. The Bureau claimed little credit, and is usually given none, for keeping alive during the fall and winter of 1865-1866 thousands of destitute whites. Yet more than a third of the food issued was to whites, and without it many would have starved. Numerous Confederate soldiers on the way home after the surrender were fed by the Bureau, and in the destitute white districts a great deal of suffering was relieved and prevented by its operations. The negroes, dwelling for the most part in regions where labor was in demand, needed relief for a shorter time, but they were attracted in numbers to the towns by free food, and it was difficult to get them back

to work. The political value of the free food issues was not generally recognized until later in 1866 and in 1867.

During the first year of the Bureau an important duty of the agents was the supervision of negro labor and the fixing of wages. Both officials and planters generally demanded that contracts be written, approved, and filed in the office of the Bureau. They thought that the negroes would work better if they were thus bound by contracts. The agents usually required that the agreements between employer and laborer cover such points as the nature of the work, the hours, food and clothes, medical attendance, shelter, and wages. To make wages secure, the laborer was given a lien on the crop; to secure the planter from loss, unpaid wages might be forfeited if the laborer failed to keep his part of the contract. When it dawned upon the Bureau authorities that other systems of labor had been or might be developed in the South, they permitted arrangements for the various forms of cash and share renting. But it was everywhere forbidden to place the negroes under "overseers" or to subject them to "unwilling apprenticeship" and "compulsory working out of debts."

The written contract system for laborers did not work out successfully. The negroes at first were expecting quite other fruits of freedom. One Mississippi negro voiced what was doubtless the opinion of many when he declared that he "considered no man free who had to work for a living." Few negroes would contract for more than three months and none for a period beyond January 1, 1866, when they expected a division of lands among the ex-slaves. In spite of the regulations, most worked on oral agreements. In 1866 nearly all employers threw overboard the written contract system for labor and permitted oral agreements. Some States had passed stringent laws for the enforcing of contracts, but in Alabama, Governor Patton vetoed such legislation on the ground that it was not needed. General Swayne, the Bureau chief for the State, endorsed the Governor's action and stated that the negro was protected by his freedom to leave when mistreated, and the planter, by the need on the part of the negro for food and shelter. Negroes, he said, were afraid of contracts and, besides, contracts led to litigation.

In order to safeguard the civil rights of the negroes the Bureau was given authority to establish

courts of its own and to supervise the action of state courts in cases to which freedmen were parties. The majority of the assistant commissioners made no attempt to let the state courts handle negro cases but were accustomed to bring all such cases before the Bureau or the provost courts of the army. In Alabama, quite early, and later in North Carolina, Mississippi, and Georgia, the wiser assistant commissioners arranged for the state courts to handle freedmen's cases with the understanding that discriminating laws were to be suspended. General Swayne in so doing declared that he was "unwilling to establish throughout Alabama courts conducted by persons foreign to her citizenship and strangers to her laws." The Bureau courts were informal affairs, consisting usually of one or two administrative officers. There were no jury, no appeal beyond the assistant commissioner, no rules of procedure, and no accepted body of law. In state courts accepted by the Bureau the proceedings in negro cases were conducted in the same manner as for the whites.

The educational work of the Bureau was at first confined to coöperation with such Northern religious and benevolent societies as were organizing schools and churches for the negroes. After

the first year the Bureau extended financial aid and undertook a system of supervision over negro schools. The teachers employed were Northern whites and negroes in about equal numbers. Confiscated Confederate property was devoted to negro education, and in several States the assistant commissioners collected fees and percentages of the negroes' wages for the benefit of the schools. In addition the Bureau expended about six million dollars.

The intense dislike which the Southern whites manifested for the Freedmen's Bureau was due in general to their resentment of outside control of domestic affairs and in particular to unavoidable difficulties inherent in the situation. Among the concrete causes of Southern hostility was the attitude of some of the higher officials and many of the lower ones toward the white people. They assumed that the whites were unwilling to accord fair treatment to the blacks in the matter of wages, schools, and justice. An official in Louisiana declared that the whites would exterminate the negroes if the Bureau were removed. A few months later General Fullerton in the same State reported that trouble was caused by those agents who noisily demanded special privileges for the

negro but who objected to any penalties for his lawlessness and made of the negroes a pampered class. General Tillson in Georgia predicted the extinction of the "old time Southerner with his hate, cruelty, and malice." General Fisk declared that "there are some of the meanest, unsubjugated and unreconstructed rascally revolutionists in Kentucky that curse the soil of the country . . . a more select number of vindictive, pro-slavery, rebellious legislators cannot be found than a majority of the Kentucky legislature." There was a disposition to lecture the whites about their sins in regard to slavery and to point out to them how far in their general ignorance and backwardness they fell short of enlightened people.

The Bureau courts were frequently conducted in an "illegal and oppressive manner," with "decided partiality for the colored people, without regard to justice." For this reason they were suspended for a time in Louisiana and Georgia by General Steedman and General Fullerton, and cases were then sent before military courts. Men of the highest character were dragged before the Bureau tribunals upon frivolous complaints, were lectured, abused, ridiculed, and arbitrarily fined or otherwise punished. The jurisdiction of the



Bureau courts weakened the civil courts and their frequent interference in trivial matters was not conducive to a return to normal conditions.

The inferior agents, not sufficiently under the control of their superiors, were responsible for a great deal of this bad feeling. Many of them held radical opinions as to the relations of the races, and inculcated these views in their courts, in the schools, and in the new negro churches. Some were charged with even causing strikes and other difficulties in order to be bought off by the whites. The tendency of their work was to create in the negroes a pervasive distrust of the whites.

The prevalent delusion in regard to an impending division of the lands among the blacks had its origin in the operation of the war-time confiscation laws, in some of the Bureau legislation, and in General Sherman's Sea Island order, but it was further fostered by the agents until most blacks firmly believed that each head of a family was to get "40 acres and a mule." This belief seriously interfered with industry and resulted also in widespread swindling by rascals who for years made a practice of selling fraudulent deeds to land with red, white, and blue sticks to mark off the bounds of a chosen spot on the former master's plantation. The

assistant commissioners labored hard to disabuse the minds of the negroes, but their efforts were often neutralized by the unscrupulous attitude of the agents.

As the contest over reconstruction developed in Washington, the officials of the Bureau soon recognized the political possibilities of their institution. After mid-year of 1866 the Bureau became a political machine for the purpose of organizing the blacks into the Union League, where the rank and file were taught that reënslavement would follow Democratic victories. Nearly all of the Bureau agents aided in the administration of the reconstruction acts in 1867 and in the organization of the new state and local governments and became officials under the new régime. They were the chief agents in capturing the solid negro vote for the Republican party.

Neither of the two plans for guiding the freedmen into a place in the social order — the “Black Laws” and the Freedmen’s Bureau — was successful. The former contained a program which was better suited to actual conditions and which might have succeeded if it had been given a fair trial. These laws were a measure of the extent to which

the average white would then go in "accepting the situation" so far as the blacks were concerned. And on the whole the recognition of negro rights made in these laws, and made at a time when the whites believed that they were free to handle the situation, was remarkably fair. The negroes lately released from slavery were admitted to the enjoyment of the same rights as the whites as to legal protection of life, liberty, and property, as to education and as to the family relation, limited only by the clear recognition of the principles of political inferiority and social separation. Unhappily this legislation was not put to the test of practical experience because of the Freedmen's Bureau; it was nevertheless skillfully used to arouse the dominant Northern party to a course of action which made impossible any further effort to treat the race problem with due consideration to actual local conditions.

Much of the work of the Freedmen's Bureau was of only temporary benefit to both races. The results of its more permanent work were not generally good. The institution was based upon the assumption that the negro race must be protected from the white race. In its organization and administration it was an impossible combination of

the practical and the theoretical, of opportunism and humanitarianism, of common sense and idealism. It failed to exert a permanently wholesome influence because its lesser agents were not held to strict accountability by their superiors. Under these agents the alienation of the two races began, and the ill feelings then aroused were destined to persist into a long and troubled future.

## CHAPTER V

### THE VICTORY OF THE RADICALS

THE soldiers who fought through the war to victory or to defeat had been at home nearly two years before the radicals developed sufficient strength to carry through their plans for a revolutionary reconstruction of the Southern States. At the end of the war a majority of the Northern people would have supported a settlement in accordance with Lincoln's policy. Eight months later a majority, but a smaller one, would have supported Johnson's work had it been possible to secure a popular decision on it. How then did the radicals gain the victory over the conservatives? The answer to this question is given by James Ford Rhodes in terms of personalities: "Three men are responsible for the Congressional policy of Reconstruction: Andrew Johnson, by his obstinacy and bad behavior; Thaddeus Stevens, by his vindictiveness and parliamentary tyranny:

Charles Sumner, by his pertinacity in a misguided humanitarianism." The President stood alone in his responsibility, but his chief opponents were the ablest leaders of a resolute band of radicals.

Radicalism did not begin in the Administration of Andrew Johnson. Lincoln had felt its covert opposition throughout the war, but he possessed the faculty of weakening his opponents, while Johnson's conduct usually multiplied the number and the strength of his enemies. At first the radicals criticized Lincoln's policy in regard to slavery, and after the Emancipation Proclamation they shifted their attack to his "ten per cent" plan for organizing the state governments as outlined in the Proclamation of December, 1863. Lincoln's course was distasteful to them because he did not admit the right of Congress to dictate terms, because of his liberal attitude towards former Confederates, and because he was conservative on the negro question. A schism among the Republican supporters of the war was with difficulty averted in 1864, when Frémont threatened to lead the radicals in opposition to the "Union" party of the President and his conservative policy.

The breach was widened by the refusal of Congress to admit representatives from Arkansas and

Louisiana in 1864 and to count the electoral vote of Louisiana and Tennessee in 1865. The passage of the Wade-Davis reconstruction bill in July, 1864, and the protests of its authors after Lincoln's pocket veto called attention to the growing opposition. Severe criticism caused Lincoln to withdraw the propositions which he had made in April, 1865, with regard to the restoration of Virginia. In his last public speech he referred with regret to the growing spirit of vindictiveness toward the South. Much of the opposition to Lincoln's Southern policy was based not on radicalism, that is, not on any desire for a revolutionary change in the South, but upon a belief that Congress and not the Executive should be entrusted with the work of reorganizing the Union. Many congressional leaders were willing to have Congress itself carry through the very policies which Lincoln had advocated; and a majority of the Northern people would have endorsed them without much caring who was to execute them.

The murder of Lincoln, the failure of the radicals to shape Johnson's policy as they had hoped, and the continuing reaction against the excessive expansion of the executive power added strength to the opposition. But it was a long fight before the



radical leaders won. Their victory was due to adroit tactics on their own part and to mistakes, bad judgment, and bad manners on the part of the President. When all hope of controlling Johnson had been given up, Thaddeus Stevens and other leaders of similar views began to contrive means to circumvent him. On December 1, 1865, before Congress met, a caucus of radicals held in Washington agreed that a joint committee of the two Houses should be selected to which should be referred matters relating to reconstruction. This plan would thwart the more conservative Senate and gain a desirable delay in which the radicals might develop their campaign. The next day at a caucus of the Union party the plan went through without arousing the suspicion of the supporters of the Administration. Next, through the influence of Stevens, Edward McPherson, the clerk of the House, omitted from the roll call of the House the names of the members from the South. The radical program was then adopted and a week later the Senate concurred in the action of the House as to the appointment of a Joint Committee on Reconstruction.

On the issues before Congress both Houses were split into rather clearly defined factions:

the extreme radicals with such leaders as Stevens, Sumner, Wade, and Boutwell; the moderate Republicans, chief among whom were Fessenden and Trumbull; the administration Republicans led by Raymond, Doolittle, Cowan, and Dixon; and the Democrats, of whom the ablest were Reverdy Johnson, Guthrie, and Hendricks. All except the extreme radicals were willing to support the President or to come to some fairly reasonable compromise. But at no time were they given an opportunity to get together. Johnson and the administration leaders did little in this direction and the radicals made the most skillful use of the divisions among the conservatives.

Whatever final judgment may be passed upon the radical reconstruction policy and its results, there can be no doubt of the political dexterity of those who carried it through. Chief among them was Thaddeus Stevens, vindictive and unscrupulous, filled with hatred of the Southern leaders, bitter in speech and possessing to an extreme degree the faculty of making ridiculous those who opposed him. He advocated confiscation, the proscription or exile of leading whites, the granting of the franchise and of lands to the negroes, and in Southern States the establishment of territorial

governments under the control of Congress. These States should, he said, "never be recognized as capable of acting in the Union . . . until the Constitution shall have been so amended as to make it what the makers intended, and so as to secure perpetual ascendancy to the party of the Union."

Charles Sumner, the leader of the radicals in the Senate, was moved less than Stevens by personal hostility toward the whites of the South, but his sympathy was reserved entirely for the blacks. He was unpractical, theoretical, and not troubled by constitutional scruples. To him the Declaration of Independence was the supreme law and it was the duty of Congress to express its principles in appropriate legislation. Unlike Stevens, who had a genuine liking for the negro, Sumner's sympathy for the race was purely intellectual; for the individual negro he felt repulsion. His views were in effect not different from those of Stevens. And he was practical enough not to overlook the value of the negro vote. "To my mind," he said, "nothing is clearer than the absolute necessity of suffrage for all colored persons in the disorganized States. It will not be enough if you give it to those who read and write; you will not, in this way, acquire the voting force which you need there for

the protection of unionists, whether white or black. You will not secure the new allies who are essential to the national cause." A leader of the second rank was his colleague Henry Wilson, who was also actuated by a desire for the negro's welfare and for the perpetuation of the Republican party, which he said contained in its ranks "more of moral and intellectual worth than was ever embodied in any political organization in any land . . . created by no man or set of men but brought into being by Almighty God himself . . . and endowed by the Creator with all political power and every office under Heaven." Shellabarger of Ohio was another important figure among the radicals. The following extract from one of his speeches gives an indication of his character and temperament: "They [the Confederates] framed iniquity and universal murder into law. . . . Their pirates burned your unarmed commerce upon every sea. They carved the bones of the dead heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes; and commissions ordered the torch and yellow fever to be carried to your cities and to your women and

children. They planned one universal bonfire of the North from Lake Ontario to the Missouri."

Among the lesser lights may be mentioned Morton and Wade, both bluff, coarse, and ungenerous, and thoroughly convinced that the Republican party had a monopoly of loyalty, wisdom, and virtues, and that by any means it must gain and keep control; Boutwell, fanatical and mediocre; and Benjamin Butler, a charlatan and demagogue. As a class the Western radicals were less troubled by humanitarian ideals than were those of the East and sought more practical political results.

The Joint Committee on Reconstruction which finally decided the fate of the Southern States was composed of eight radicals, four moderate Republicans, and three Democrats. As James Gillespie Blaine wrote later, "it was foreseen that in an especial degree the fortunes of the Republican party would be in the keeping of the fifteen men who might be chosen." This committee was divided into four subcommittees to take testimony. The witnesses, all of whom were examined at Washington, included army officers and Bureau agents who had served in the South, Southern Unionists, a few politicians, and several former Confederates, among them General Robert E. Lee and Alexander

H. Stephens. Most of the testimony was of the kind needed to support the contentions of the radicals that negroes were badly treated in the South; that the whites were disloyal; that, should they be left in control, the negro, free labor, the nation, and the Republican party would be in danger; that the army and the Freedmen's Bureau must be kept in the South; and that a radical reconstruction was necessary. No serious effort, however, was made to ascertain the actual conditions in the South. Slow to formulate a definite plan, the Joint Committee guided public sentiment toward radicalism, converted gradually the Republican Congressmen, and little by little undermined the power and influence of the President.

Not until after the new year was it plain that there was to be a fight to the finish between Congress and the President. Congress had refused in December, 1865, to accept the President's program, but there was still hope for a compromise. Many conservatives had voted for the delay merely to assert the rights of Congress; but the radicals wanted time to frame a program. The Northern Democrats were embarrassingly cordial in their support of Johnson and so also were most Southerners. The moderates were not far away

from the position of the President and the administration Republicans. But the radicals skillfully postponed a test of strength until Stevens and Sumner were ready. The latter declared that a generation must elapse "before the rebel communities have so far been changed as to become safe associates in a common government. Time, therefore, we must have. Through time all other guarantees may be obtained; but time itself is a guarantee."

To the Joint Committee were referred without debate all measures relating to reconstruction, but the Committee was purposely making little progress — contented merely to take testimony and to act as a clearing house for the radical "facts" about "Southern outrages" while waiting for the tide to turn. The "Black Laws" and the election of popular Confederate leaders to office in the South were effectively used to alarm the friends of the negroes, and the reports from the Bureau agents gave support to those who condemned the Southern state governments as totally inadequate and disloyal.

So apparent was the growth of radicalism that the President, alarmed by the attitude of Sumner and Stevens and their followers, began to fear for



the Constitution and forced the fight. The passage of a bill on February 6, 1866, extending the life of the Freedmen's Bureau furnished the occasion for the beginning of the open struggle. On the 19th of February Johnson vetoed the bill, and the next day an effort was made to pass it over the veto. Not succeeding in this attempt, the House of Representatives adopted a concurrent resolution that Senators and Representatives from the Southern States should be excluded until Congress declared them entitled to representation. Ten days later the Senate also adopted the resolution.

Though it was not yet too late for Johnson to meet the conservatives of Congress on middle ground, he threw away his opportunity by an intemperate and undignified speech on the 22d of February to a crowd at the White House. As usual when excited, he forgot the proprieties and denounced the radicals as enemies of the Union and even went so far as to charge Stevens, Sumner, and Wendell Phillips with endeavoring to destroy the fundamental principles of the government. Such conduct weakened his supporters and rejoiced his enemies. It was expected that Johnson would approve the bill to confer civil rights upon the negroes, but, goaded perhaps by the speeches of Stevens,



he vetoed it on the 27th of March. Its patience now exhausted, Congress passed the bill over the President's veto. To secure the requisite majority in the Senate, Stockton, Democratic Senator from New Jersey, was unseated on technical grounds, and Senator Morgan, who was "paired" with a sick colleague, broke his word to vote aye — for which Wade offensively thanked God. The moderates had now fallen away from the President and at least for this session of Congress his policies were wrecked. On the 16th of July the supplementary Freedmen's Bureau Act was passed over the veto, and on the 24th of July Tennessee was readmitted to representation by a law the preamble of which asserted unmistakably that Congress had assumed control of reconstruction.

Meanwhile the Joint Committee on Reconstruction had made a report asserting that the Southerners had forfeited all constitutional rights, that their state governments were not in constitutional form, and that restoration could be accomplished only when Congress and the President acted together in fixing the terms of readmission. The uncompromising hostility of the South, the Committee asserted, made necessary adequate safeguards which should include the disfranchisement

of the white leaders, either negro suffrage or a reduction of white representation, and repudiation of the Confederate war debt with recognition of the validity of the United States debt. These terms were embodied in the Fourteenth Amendment, which was adopted by Congress and sent to the States on June 13, 1866.

In the congressional campaign of 1866 reconstruction was almost the sole issue. For success the Administration must gain at least one-third of one house, while the radicals were fighting for two-thirds of each House. If the Administration should fail to make the necessary gain, the work accomplished by the Presidents would be destroyed. The campaign was bitter and extended through the summer and fall. Four national conventions were held: the National Union party at Philadelphia made a respectable showing in support of the President; the Southern Unionists, guided by the Northern radicals met at the same place; a soldiers' and sailors' convention at Cleveland supported the Administration; and another convention of soldiers and sailors at Pittsburgh endorsed the radical policies. A convention of Confederate soldiers and sailors at Memphis endorsed the President, but the Southern support

and that of the Northern Democrats did not encourage moderate Republicans to vote for the Administration. Three members of Johnson's Cabinet — Harlan, Speed, and Dennison — resigned because they were unwilling to follow their chief further in opposing Congress.

The radicals had plenty of campaign material in the testimony collected by the Joint Committee, in the reports of the Freedmen's Bureau, and in the bloody race riots which had occurred in Memphis and New Orleans. The greatest blunder of the Administration was Johnson's speechmaking tour to the West which he called "Swinging Around the Circle." Every time he made a speech he was heckled by persons in the crowd, lost his temper, denounced Congress and the radical leaders, and conducted himself in an undignified manner. The election returns showed more than a two-thirds majority in each House against the President. The Fortieth Congress would therefore be safely radical, and in consequence the Thirty-ninth was encouraged to be more radical during its last session.

Public interest now for a time turned to the South, where the Fourteenth Amendment was before the state legislatures. The radicals, taunted with having no plan of reconstruction beyond a

desire to keep the Southern States out of the Union, professed to see in the ratification of the Fourteenth Amendment a good opportunity to readmit the States on a safe basis. The elections of 1866 had pointed to the ratification of the proposed amendment as an essential preliminary to readmission. But would additional demands be made upon the South? Sumner, Stevens, and Fessenden were sure that negro suffrage also must come, but Wade, Chase, Garfield, and others believed that nothing beyond the terms of the Fourteenth Amendment would be asked.

In the Southern legislatures there was little disposition to ratify the amendment. The rapid development of the radical policies during 1866 had convinced most Southerners that nothing short of a general humiliation and complete revolution in the South would satisfy the dominant party, and there were few who wished to be "parties to our own dishonor." The President advised the States not to accept the amendment, but several Southern leaders favored it, fearing that worse would come if they should reject it. Only in the legislatures of Alabama and Florida was there any serious disposition to accept the amendment; and in the end all the unreconstructed States voted adversely

during the fall and winter of 1866-67. This unanimity of action was due in part to the belief that, even if the amendment were ratified, the Southern States would still be excluded, and in part to the general dislike of the proscriptive section which would disfranchise all Confederates of prominence and result in the breaking up of the state governments. The example of unhappy Tennessee, which had ratified the Fourteenth Amendment and had been readmitted, was not one to encourage conservative people in the other Southern States.

The rejection of the amendment put the question of reconstruction squarely before Congress. There was no longer a possibility of accomplishing the reconstruction of the Southern States by means of constitutional amendments. Some of the Border and Northern States were already showing signs of uneasiness at the continued exclusion of the South. But if the Constitutional Amendment had failed, other means of reconstruction were at hand, for the radicals now controlled the Thirty-ninth Congress, from which the Southern representatives were excluded, and would also control the Fortieth Congress.

Under the lead of Stevens and Sumner the radicals now perfected their plans. On January 8, 1867,

their first measure, conferring the franchise upon negroes in the District of Columbia, was passed over the presidential veto, though the proposal had been voted down a few weeks earlier by a vote of 6525 to 35 in Washington and 812 to 1 in Georgetown. In the next place, by an act of January 31, 1867, the franchise was extended to negroes in the territories, and on March 2, 1867, three important measures were enacted: the Tenure of Office Act and a rider to the Army Appropriation Act — both designed to limit the power of the President — and the first Reconstruction Act. By the Tenure of Office Act the President was prohibited from removing officeholders except with the consent of the Senate; and by the Army Act he was forbidden to issue orders except through General Grant or to relieve him of command or to assign him to command away from Washington unless at the General's own request or with the previous approval of the Senate. The first measure was meant to check the removal of radical officeholders by Johnson, and the other, which was secretly drawn up for Boutwell by Stanton, was designed to prevent the President from exercising his constitutional command of the army.

The first Reconstruction Act declared that no

legal state government existed in the ten unreconstructed States and that there was no adequate protection for life and property. The Johnson and Lincoln governments in those States were declared to have no legal status and to be subject wholly to the authority of the United States to modify or abolish. The ten States were divided into five military districts, over each of which a general officer was to be placed in command. Military tribunals were to supersede the civil courts where necessary. Stevens was willing to rest here, though some of his less radical followers, disliking military rule but desiring to force negro suffrage, inserted a provision in the law that a State might be readmitted to representation upon the following conditions: a constitutional convention must be held, the members of which were elected by males of voting age without regard to color, excluding whites who would be disfranchised by the proposed Fourteenth Amendment; a constitution including the same rule of suffrage must be framed, ratified by the same electorate, and approved by Congress; and lastly, the legislatures elected under this constitution must ratify the proposed Fourteenth Amendment, after which, if the Fourteenth Amendment should have become a part of the Federal



Constitution, the State should be readmitted to representation.

In order that the administration of this radical legislation might be supervised by its friends, the Thirty-ninth Congress had passed a law requiring the Fortieth Congress to meet on the 4th of March instead of in December as was customary. According to the Reconstruction Act of the 2d of March it was left to the state government or to the people of a State to make the first move towards reconstruction. If they preferred, they might remain under military rule. Either by design or by carelessness no machinery of administration was provided for the execution of the act. When it became evident that the Southerners preferred military rule the new Congress passed a Supplementary Reconstruction Act on the 23d of March designed to force the earlier act into operation. The five commanding generals were directed to register the blacks of voting age and the whites who were not disfranchised, to hold elections for conventions, to call the conventions, to hold elections to ratify or reject the constitutions, and to forward the constitutions, if ratified, to the President for transmission to Congress.

In these reconstruction acts the whole doctrine



of radicalism was put on the way to accomplishment. Its spread had been rapid. In December, 1865, the majority of Congress would have accepted with little modification the work of Lincoln and Johnson. Three months later the Civil Rights Act measured the advance. Very soon the new Freedmen's Bureau Act and the Fourteenth Amendment indicated the rising tide of radicalism. The campaign of 1866 and the attitude of the Southern States swept all radicals and most moderate Republicans swiftly into a merciless course of reconstruction. Moderate reconstruction had nowhere strong support. Congress, touched in its *amour propre* by presidential disregard, was eager for extremes. Johnson, who regarded himself as defending the Constitution against radical assaults, was stubborn, irascible, and undignified, and with his associates was no match in political strategy for his radical opponents.

The average Republican or Unionist in the North, if he had not been brought by skillful misrepresentation to believe a new rebellion impending in the South, was at any rate painfully alive to the fear that the Democratic party might regain power. With the freeing of the slaves the representation of the South in Congress would be

increased. At first it seemed that the South might divide in politics as before the war, but the longer the delay the more the Southern whites tended to unite into one party acting with the Democrats. With their eighty-five representatives and a slight reaction in the North, they might gain control of the lower House of Congress. The Union-Republican party had a majority of less than one hundred in 1866 and this was lessened slightly in the Fortieth Congress. The President was for all practical purposes a Democrat again. The prospect was too much for the very human politicians to view without distress. Stevens, speaking in support of the Military Reconstruction Bill, said:

There are several good reasons for the passage of this bill. In the first place, it is just. I am now confining my argument to negro suffrage in the rebel States. Have not loyal blacks quite as good a right to choose rulers and make laws as rebel whites? In the second place, it is necessary in order to protect the loyal white men in the seceded States. With them the blacks would act in a body, and it is believed that in each of these States, except one, the two united would form a majority, control the States, and protect themselves. Now they are the victims of daily murder. They must suffer constant persecution or be exiled. Another good reason is that it would insure the ascendancy of the union party. . . . I believe . . . that on the continued

ascendency of that party depends the safety of this great nation. If impartial suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel electoral vote. They, with their kindred Copperheads of the North, would always elect the President and control Congress.

The laws passed on the 2d and the 23d of March were war measures and presupposed a continuance of war conditions. The Lincoln-Johnson state governments were overturned; Congress fixed the qualifications of voters for that time and for the future; and the President, shorn of much of his constitutional power, could exercise but little control over the military government. Nothing that a State might do would secure restoration until it should ratify the Fourteenth Amendment to the Federal Constitution. The war had been fought upon the theory that the old Union must be preserved; but the basic theory of the reconstruction was that a new Union was to be created.

## CHAPTER VI

### THE RULE OF THE MAJOR GENERALS

FROM the passage of the reconstruction acts to the close of Johnson's Administration, Congress, working the will of the radical majority, was in supreme control. The army carried out the will of Congress and to that body, not to the President, the commanding general and his subordinates looked for direction.

The official opposition of the President to the policy of Congress ceased when that policy was enacted into law. He believed this legislation to be unconstitutional, but he considered it his duty to execute the laws. He at once set about the appointment of generals to command the military districts created in the South,<sup>1</sup> a task

<sup>1</sup> The first five generals appointed were Schofield, Sickles, Pope, Ord, and Sheridan. None of these remained in his district until reconstruction was completed. To Schofield's command in the first district succeeded in turn Stoneman, Webb, and Canby; Sickles gave way to Canby, and Pope to Meade; Ord in the fourth district was

calling for no little discretion, since much depended upon the character of these military governors, or "satraps," as they were frequently called by the opposition. The commanding general in a district was charged with many duties, military, political, and administrative. It was his duty to carry on a government satisfactory to the radicals and not too irritating to the Southern whites; at the same time he must execute the reconstruction acts by putting old leaders out of power and negroes in. Violent opposition to this policy on the part of the South was not looked for. Notwithstanding the "Southern outrage" campaign, it was generally recognized in government circles that conditions in the seceded States had gradually been growing better since the close of the war. There was in many regions, to be sure, a general laxity in enforcing laws, but that had always been characteristic of the newer parts of the South. The Civil Rights Act was generally in force, the "Black Laws" had been suspended, and

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followed by Gillem, McDowell, and Ames; Sheridan, in the fifth, was succeeded by Griffen, Mower, Hancock, Buchanan, Reynolds, and Canby. Some of the generals were radical; others, moderate and tactful. The most extreme were Sheridan, Pope, and Sickles. Those most acceptable to the whites were Hancock, Schofield, and Meade. General Grant himself became more radical in his actions as he became involved in the fight between Congress and the President.

the Freedmen's Bureau was everywhere caring for the negroes. What disorder existed was of recent origin and in the main was due to the unsettling effects of the debates in Congress and to the organization of the negroes for political purposes.

Military rule was established in the South with slight friction, but it was soon found that the reconstruction laws were not sufficiently clear on two points: first, whether there was any limit to the authority of the five generals over the local and state governments and, if so, whether the limiting authority was in the President; and second, whether the disfranchising provisions in the laws were punitive and hence to be construed strictly. Attorney-General Stanbery, in May and June, 1867, drew up opinions in which he maintained that the laws were to be considered punitive and therefore to be construed strictly. After discussions in cabinet meetings these opinions received the approval of all except Stanton, Secretary of War, who had already joined the radical camp. The Attorney-General's opinion was sent out to the district commanders for their information and guidance. But Congress did not intend to permit the President or his Cabinet to direct the process of reconstruction, and in the Act of

July 19, 1867, it gave a radical interpretation to the reconstruction legislation, declared itself in control, gave full power to General Grant and to the district commanders subject only to Grant, directed the removal of all local officials who opposed the reconstruction policies, and warned the civil and military officers of the United States that none of them should "be bound in his action by any opinion of any civil officer of the United States." This interpretive legislation gave a broad basis for the military government and resulted in a severe application of the disfranchising provisions of the laws.

The rule of the five generals lasted in all the States until June, 1868, and continued in Mississippi, Texas, Virginia, and Georgia until 1870. There had been, to be sure, some military government in 1865, subject, however, to the President, and from 1865 to 1867 the army, along with the Freedmen's Bureau, had exerted a strong influence in the government of the South, but in the régime now inaugurated the military was supreme. The generals had a superior at Washington, but whether it was the President, General Grant, or Congress was not clear until the Act of July 19, 1867 made Congress the source of authority.



The power of the generals most strikingly appeared in their control of the state governments which were continued as provisional organizations. Since no elections were permitted, all appointments and removals were made from military headquarters, which soon became political beehives, centers of wirepulling and agencies for the distribution of spoils. At the outset civil officers were ordered to retain their offices during good behavior, subject to military control. But no local official was permitted to use his influence ever so slightly against reconstruction. Since most of them did not favor the policy of Congress, thousands were removed as "obstacles to reconstruction." The Governors of Georgia, Louisiana, Virginia, Mississippi, and Texas were displaced and others appointed in their stead. All kinds of subordinate offices rapidly became vacant. New appointments were nearly always carpetbaggers and native radicals who could take the "ironclad" oath. The generals complained that there were not enough competent native "loyalists" to fill the offices, and frequently an army officer was installed as governor, treasurer, secretary of state, auditor, or mayor. In nearly all towns the police force was reorganized and former Federal soldiers were added to the force, while the

regular troops were used for general police purposes and for rural constabulary.

Over the administration of justice the military authorities exercised a close supervision. Instructions were sent out to court officers covering the selection of juries, the suspension of certain laws, and the rules of evidence and procedure. Courts were often closed, court decrees set aside or modified, prisoners released, and many cases reserved for trial by military commission. Some commanders required juries to admit negro members and insisted that all jurors take the "ironclad" test oath. There was some attempt at regulating the Federal courts but without much success.

Since the state legislatures were forbidden to meet, much legislation was enacted through military orders. Stay laws were enacted, the color line was abolished, new criminal regulations were promulgated, and the police power was invoked in some instances to justify sweeping measures, such as the prohibition of whisky manufacture in North Carolina and South Carolina. The military governors levied, increased, or decreased taxes and made appropriations which the state treasurers were forced to pay, but they restrained the radical conventions, all of which wished to spend much money.

According to the Act of March 23, 1867, the generals and their appointees were to be paid by the United States, but in practice the running expenses of reconstruction were paid by the state treasurers.

Any attempt to favor the Confederate soldiers was frowned upon. Laws providing wooden legs and free education for crippled Confederates were suspended. Militia organizations and military schools were forbidden. No uniform might be worn, no parades were permitted, no memorial and historical societies were to be organized, and no meeting of any kind could be held without a permit. The attempt to control the press resulted in what one general called "a horrible uproar." Editors were forbidden to express themselves too strongly against reconstruction; public advertising and printing were awarded only to those papers actively supporting reconstruction. Several newspapers were suppressed, a notable example being the *Tuscaloosa Independent Monitor*, whose editor, Ryland Randolph, was a picturesque figure in Alabama journalism and a leader in the Ku Klux Klan.

The military administration was thorough, and as a whole honest and efficient. With fewer than ten thousand soldiers the generals maintained

order and carried on the reconstruction of the South. The whites made no attempt at resistance, though they were irritated by military rule and resented the loss of self-government. But most Southerners preferred the rule of the army to the alternative reign of the carpetbagger, scalawag, and negro. The extreme radicals at the North, on the other hand, were disgusted at the conservative policy of the generals. The apathy of the whites at the beginning of the military reconstruction excited surprise on all sides. Not only was there no violent opposition, but for a few weeks there was no opposition at all. The civil officials were openly unsympathetic, and the newspapers voiced dissent not untouched with disgust; others simply could not take the situation seriously because it seemed so absurd; many leaders were indifferent, while others — among them, Generals Lee, Beauregard, and Longstreet, and Governor Patton — without approving the policy, advised the whites to coöperate with the military authorities and save all they could out of the situation. General Beauregard, for instance, wrote in 1867: "If the suffrage of the negro is properly handled and directed we shall defeat our adversaries with their own weapons. The negro

is Southern born. With education and property qualifications he can be made to take an interest in the affairs of the South and in its prosperity. He will side with the whites."

Northern observers who were friendly to the South or who disapproved of this radical reconstruction saw the danger more clearly than the Southerners themselves, who seemed not to appreciate the full implication of the situation. In this connection the New York *Herald* remarked:

We may regard the entire ten unreconstructed Southern States, with possibly one or two exceptions, as forced by a secret and overwhelming revolutionary influence to a common and inevitable fate. They are all bound to be governed by blacks spurred on by worse than blacks — white wretches who dare not show their faces in respectable society anywhere. This is the most abominable phase barbarism has assumed since the dawn of civilization. It was all right and proper to put down the rebellion. It was all right perhaps to emancipate the slaves. . . . But it is not right to make slaves of white men even though they may have been former masters of blacks. This is but a change in a system of bondage that is rendered the more odious and intolerable because it has been inaugurated in an enlightened instead of a dark and uncivilized age.

The political parties rapidly grouped themselves for the coming struggle. The radical Republican

party indeed was in process of organization in the South even before the passage of the reconstruction acts. Its membership was made up of negroes, carpetbaggers, or Northern men who had come in as speculators, officers of the Freedmen's Bureau and of the army, scalawags or Confederate renegades, "Peace Society" men,<sup>1</sup> and Unionists of Civil War times, with a few old Whigs who could not yet bring themselves to affiliate with the Democrats. At first it seemed that a respectable number of whites might be secured for the radical party, but the rapid organization of the negroes checked the accession of whites. In the winter and spring of 1866-67 the negroes near the towns were well organized by the Union League and the Freedmen's Bureau and then, after the passage of the reconstruction acts, the organizing activities of the radical chieftains shifted to the rural districts. The Union League was greatly extended; Union League conventions were held to which local whites were not admitted; and the formation of a black man's party was well on the way before the registration of the voters was completed. Visiting statesmen from the North, among them

<sup>1</sup> See *The Day of the Confederacy*, by Nathaniel W. Stephenson (in *The Chronicles of America*), p. 121, footnote.

Henry Wilson of Massachusetts and "Pig Iron" Kelley of Pennsylvania, toured the South in support of the radical program, and the registrars and all Federal officials aided in the work.

The whites, slow to comprehend the real extent of radicalism, were finally aroused to the necessity of organizing, if they were to influence the negro and have a voice in the conventions. The old party divisions were still evident. With difficulty a portion of the Whigs were brought with the Democrats into one conservative party during the summer and fall of 1867, though many still held aloof. The lack of the old skilled leadership was severely felt. In places where the white man's party was given a name it was called "*Democratic and Conservative*," to spare the feelings of former Whigs who were loath to bear the party name of their quondam opponents.

The first step in the military reconstruction was the registration of voters. In each State a central board of registrars was appointed by the district commander and a local board for every county and large town. Each board consisted of three members — all radicals — who were required to subscribe to the "ironclad" oath. In several States one negro was appointed to each local board. The



registrars listed negro voters during the day, and at night worked at the organization of a radical Republican party. The prospective voters were required to take the oath prescribed in the Reconstruction Act, but the registrars were empowered to go behind the oath and investigate the Confederate record of each applicant. This authority was invoked to carry the disfranchisement of the whites far beyond the intention of the law in an attempt to destroy the leadership of the whites and to register enough negroes to outvote them at the polls. For this purpose the registration was continued until October 1, 1867, and an active campaign of education and organization carried on.

At the close of the registration 703,000 black voters were on the rolls and 627,000 whites. In Alabama, Louisiana, South Carolina, Florida, and Mississippi there were black majorities, and in the other States the blacks and the radical whites together formed majorities. The white minorities included several thousand who had been rejected by the registrars but restored by the military commanders. Though large numbers of blacks were dropped from the revised rolls as fraudulently registered, the registration statistics nevertheless

bore clear witness to the political purpose of those who compiled them.

Next followed a vote on the question of holding a state convention and the election of delegates to such a convention if held — a double election. The whites, who had been harassed in the registration and who feared race conflicts at the elections, considered whether they ought not to abstain from voting. By staying away from the polls, they might bring the vote cast in each State below a majority and thus defeat the proposed conventions for, unless a majority of the registered voters actually cast ballots either for or against a convention, no convention could be held. Nowhere, however, was this plan of not voting fully carried out, for, though most whites abstained, enough of them voted (against the conventions, of course) to make the necessary majority in each State. The effect of the abstention policy upon the personnel of the conventions was unfortunate. In every convention there was a radical majority with a conservative and all but negligible minority. In South Carolina and Louisiana there were negro majorities. In every State except North Carolina, Texas, and Virginia the negroes and the carpetbaggers together were in the majority over native whites.

The conservative whites were of fair ability; the carpetbaggers and scalawags produced in each convention a few able leaders, but most of them were conscienceless political soldiers of fortune; the negro members were inexperienced, and most of them were quite ignorant, though a few leaders of ability did appear among them. In Alabama, for example, only two negro members could write, though half had been taught to sign their names. They were barbers, field hands, hack drivers, and servants. A negro chaplain was elected who invoked divine blessings on "unioners and cusses on rebels." It was a sign of the new era when the convention specially invited the "ladies of colored members" to seats in the gallery.

The work of the conventions was for the most part cut and dried, the abler members having reached a general agreement before they met. The constitutions, mosaics of those of other States, were noteworthy only for the provisions made to keep the whites out of power and to regulate the relations of the races in social matters. The Texas constitution alone contained no proscriptive clauses beyond those required by the Fourteenth Amendment. The most thoroughgoing proscription of Confederates was found in the constitutions

of Mississippi, Alabama, and Virginia; and in these States the voter must also purge himself of guilt by agreeing to accept the "civil and political equality of all men" or by supporting reconstruction. Only in South Carolina and Louisiana were race lines abolished by law.

The legislative work of the conventions was more interesting than the constitution making. By ordinance the legality of negro marriages was dated from November, 1867, or some date later than had been fixed by the white conventions of 1865. Mixed schools were provided in some States; militia for the black districts but not for the white was to be raised; while in South Carolina it was made a penal offense to call a person a "Yankee" or a "nigger." Few of the negro delegates demanded proscription of whites or social equality; they wanted schools and the vote. The white radicals were more anxious to keep the former Confederates from holding office than from voting. The generals in command everywhere used their influence to secure moderate action by the conventions, and for this they were showered with abuse.

As provided by the reconstruction acts, the new constitutions were submitted to the electorate

created by those instruments. Unless a majority of the registered voters in a State should take part in the election the reconstruction would fail and the State would remain under military rule. The whites now inaugurated a more systematic policy of abstention and in Alabama, on February 4, 1868, succeeded in holding the total vote below a majority. Congress then rushed to the rescue of radicalism with the act of the 11th of March, which provided that a mere majority of those voting in the State was sufficient to inaugurate reconstruction. Arkansas had followed the lead of Alabama, but too late; in Mississippi the constitution was defeated by a majority vote; in Texas the convention had made no provision for a vote; and in Virginia the commanding general, disapproving of the work of the convention, refused to pay the expenses of an election. In the other six States the constitutions were adopted.<sup>1</sup>

These elections gave rise to more violent contests than before. They also were double elections, as the voters cast ballots for state and local officials and at the same time for or against the constitution. The radical nominations were made by the

<sup>1</sup> Except in Texas, the work of constitution making was completed between November 5, 1867, and May 18, 1868.

Union League and the Freedmen's Bureau, and nearly all radicals who had been members of conventions were nominated and elected to office. The negroes, expecting now to reap some benefits of reconstruction, frequently brought sacks to the polls to "put the franchise in." The elections were all over by June, 1868, and the newly elected legislatures promptly ratified the Fourteenth Amendment.

It now remained for Congress to approve the work done in the South and to readmit the reorganized States. The case of Alabama gave some trouble. Even Stevens, for a time, thought that this State should stay out; but there was danger in delay. The success of the abstention policy in Alabama and Arkansas and the reviving interest of the whites foreshadowed white majorities in some places; the scalawags began to forsake the radical party for the conservatives; and there were Democratic gains in the North in 1867. Only six States, New York and five New England States, allowed the negro to vote, while four States, Minnesota, Michigan, Kansas, and Ohio, voted down negro suffrage after the passage of the reconstruction acts. The ascendancy of the radicals in Congress was menaced. The radicals needed the support of their radical brethren in Southern States

and they could not afford to wait for the Fourteenth Amendment to become a part of the Constitution or to tolerate other delay. On the 22d and the 25th of June acts were therefore passed admitting seven States, Alabama included, to representation in Congress upon the "fundamental condition" that "the constitutions of neither of said States shall ever be so amended or changed as to deprive any citizens or class of citizens of the United States of the right to vote in said State, who are entitled to vote by the constitution thereof herein recognized."

The generals now turned over the government to the recently elected radical officials and retired into the background. Military reconstruction was thus accomplished in all the States except Virginia, Mississippi, and Texas.



## CHAPTER VII

### THE TRIAL OF PRESIDENT JOHNSON

WHILE the radical program was being executed in the South, Congress was engaged not only in supervising reconstruction but in subduing the Supreme Court and in "conquering" President Johnson. One must admire the efficiency of the radical machine. When the Southerners showed that they preferred military rule as permitted by the Act of the 2d of March, Congress passed the Act of the 23d of March which forced the reconstruction. When the President ventured to assert his power in behalf of a considerate administration of the reconstruction acts, Congress took the power out of his hands by the law of the 19th of July. The Southern plan to defeat the new state constitutions by abstention was no sooner made clear in the case of Alabama than Congress came to the rescue with the Act of March 11, 1868.

Had it seemed necessary, Congress would have

handled the Supreme Court as it did the Southerners. The opponents of radical reconstruction were anxious to get the reconstruction laws of March, 1867, before the Court. Chief Justice Chase was known to be opposed to military reconstruction, and four other justices were, it was believed, doubtful of the constitutionality of the laws. A series of conservative decisions gave hope to those who looked to the Court for relief. The first decision, in the case of *ex parte* Milligan, declared unconstitutional the trials of civilians by military commissions when civil courts were open. A few months later, in the cases of *Cummings vs. Missouri* and *ex parte* Garland, the Court declared invalid, because *ex post facto*, the state laws designed to punish former Confederates.

But the first attempts to get the reconstruction acts before the Supreme Court failed. The State of Mississippi, in April, 1867, brought suit to restrain the President from executing the reconstruction acts. The Court refused to interfere with the Executive. A similar suit was then brought against Secretary Stanton by Georgia with a like result. But in 1868, in the case of *ex parte* McCardle, it appeared that the question of the constitutionality of the reconstruction acts

would be passed upon. McCardle, a Mississippi editor arrested for opposition to reconstruction and convicted by military commission, appealed to the Supreme Court, which asserted its jurisdiction. But the radicals in alarm rushed through Congress an act (March 27, 1868) which took away from the Court its jurisdiction in cases arising under the reconstruction acts. The highest court was thus silenced.

The attempt to remove the President from office was the only part of the radical program that failed, and this by the narrowest of margins. During the spring and summer of 1866 there was some talk among politicians of impeaching President Johnson, and in December a resolution was introduced by Representative Ashley of Ohio looking toward impeachment. Though the committee charged with the investigation of "the official conduct of Andrew Johnson" reported that enough testimony had been taken to justify further inquiry, the House took no action. There were no less than five attempts at impeachment during the next year. Stevens, Butler, and others were anxious to get the President out of the way, but the majority were as yet unwilling to impeach for merely political reasons. There were some

who thought that the radicals had sufficient majorities to ensure all needed legislation and did not relish the thought of Ben Wade in the presidency.<sup>1</sup> Others considered that no just grounds for action had been found in the several investigations of Johnson's record. Besides, the President's authority and influence had been much curtailed by the legislation relating to the Freedmen's Bureau, tenure of office, reconstruction, and command of the army, and Congress had also refused to recognize his amnesty and pardoning powers.

But the desire to impeach the President was increasing in power, and very little was needed to provoke a trial of strength between the radicals and the President. The drift toward impeachment was due in part to the legislative reaction against the Executive, and in part to Johnson's own opposition to reconstruction and to his use of the patronage against the radicals. Specific grievances were found in his vetoes of the various reconstruction bills, in his criticisms of Congress and the radical leaders, and in the fact, as Stevens asserted, that he was a "radical renegade."

<sup>1</sup> Senator Wade of Ohio was President *pro tempore* of the Senate and by the act of 1791 would succeed President Johnson if he were removed from office.

Johnson was a Southern man, an old-line State Rights Democrat, somewhat anti-negro in feeling. He knew no book except the Constitution, and that he loved with all his soul. Sure of the correctness of his position, he was too stubborn to change or to compromise. He was no more to be moved than Stevens or Sumner. To overcome Johnson's vetoes required two-thirds of each House of Congress; to impeach and remove him would require only a majority of the House and two-thirds of the Senate.

The desired occasion for impeachment was furnished by Johnson's attempt to get Edwin M. Stanton, the Secretary of War, out of the Cabinet. Stanton held radical views and was at no time sympathetic with or loyal to Johnson, but he loved office too well to resign along with those cabinet members who could not follow the President in his struggle with Congress. He was seldom frank and sincere in his dealings with the President, and kept up an underhand correspondence with the radical leaders, even assisting in framing some of the reconstruction legislation which was designed to render Johnson powerless. In him the radicals had a representative within the President's Cabinet.

Wearied of Stanton's disloyalty, Johnson asked him to resign and, upon a refusal, suspended him in August, 1867, and placed General Grant in temporary charge of the War Department. General Grant, Chief Justice Chase, and Secretary McCulloch, though they all disliked Stanton, advised the President against suspending him. But Johnson was determined. About the same time he exercised his power in removing Sheridan and Sickles from their commands in the South and replaced them with Hancock and Canby. The radicals were furious, but Johnson had secured at least the support of a loyal Cabinet.

The suspension of Stanton was reported to the Senate in December, 1867, and on January 13, 1868, the Senate voted not to concur in the President's action. Upon receiving notice of the vote in the Senate, Grant at once left the War Department and Stanton again took possession. Johnson now charged Grant with failing to keep a promise either to hold on himself or to make it possible to appoint some one else who would hold on until the matter might be brought into the courts. The President by this accusation angered Grant and threw him with his great influence into the arms of the radicals.

Against the advice of his leading counselors Johnson persisted in his intention to keep Stanton out of the Cabinet. Accordingly on the 21st of February he dismissed Stanton from office and appointed Lorenzo Thomas, the Adjutant General, as acting Secretary of War. Stanton, advised by the radicals in Congress to "stick," refused to yield possession to Thomas and had him arrested for violation of the Tenure of Office Act. The matter now was in the courts where Johnson wanted it, but the radical leaders, fearing that the courts would decide against Stanton and the reconstruction acts, had the charges against Thomas withdrawn. Thus failed the last attempt to get the reconstruction laws before the courts. On the 22d of February the President sent to the Senate the name of Thomas Ewing, General Sherman's father-in-law, as Secretary of War, but no attention was paid to the nomination.

On February 24, 1868, the House voted, 128 to 47, to impeach the President "of high crimes and misdemeanors in office." The Senate was formally notified the next day and on the 4th of March the seven managers selected by the House appeared before the Senate with the eleven articles of impeachment. At first it seemed to the public



that the impeachment proceedings were merely the culmination of a struggle for the control of the army. There were rumors that Johnson had plans to use the army against Congress and against reconstruction. General Grant, directed by Johnson to accept orders from Stanton only if he were satisfied that they came from the President, refused to follow these instructions. Stanton, professing to fear violence, barricaded himself in the War Department and was furnished with a guard of soldiers by General Grant, who from this time used his influence in favor of impeachment. Excited by the most sensational rumors, some people even believed a new rebellion to be imminent.

The impeachment was rushed to trial by the House managers and was not ended until the decision was taken by the votes of the 16th and 26th of May. The eleven articles of impeachment consisted of summaries of all that had been charged against Johnson, except the charge that he had been an accomplice in the murder of Lincoln. The only one which had any real basis was the first, which asserted that he had violated the Tenure of Office Act in trying to remove Stanton. The other articles were merely expansions of the first or

were based upon Johnson's opposition to reconstruction or upon his speeches in criticism of Congress. Nothing could be said about his control of the patronage, though this was one of the unwritten charges. J. W. Schuckers, in his life of Chase, says that the radical leaders "felt the vast importance of the presidential patronage; many of them felt, too, that, according to the maxim that to the victors belong the spoils, the Republican party was rightfully entitled to the Federal patronage, and they determined to get possession of it. There was but one method and that was by impeachment and removal of the President."

The leading House managers were Stevens, Butler, Bingham, and Boutwell, all better known as politicians than as lawyers. The President was represented by an abler legal array: Curtis, Evarts, Stanbery, Nelson, and Groesbeck. Jeremiah Black was at first one of the counsel for the President but withdrew under conditions not entirely creditable to himself.

The trial was a one-sided affair. The President's counsel were refused more than six days for the preparation of the case. Chief Justice Chase, who presided over the trial, insisted upon regarding the Senate as a judicial and not a political

body, and he accordingly ruled that only legal evidence should be admitted; but the Senate majority preferred to assume that they were settling a political question. Much evidence favorable to the President was excluded, but everything else was admitted. As the trial went on the country began to understand that the impeachment was a mistake. Few people wanted to see Senator Wade made President. The partisan attitude of the Senate majority and the weakness of the case against Johnson had much to do in moderating public opinion, and the timely nomination of General Schofield as Secretary of War after Stanton's resignation reassured those who feared that the army might be placed under some extreme Democrat.

As the time drew near for the decision, every possible pressure was brought by the radicals to induce senators to vote for conviction. To convict the President, thirty-six votes were necessary. There were only twelve Democrats in the Senate, but all were known to be in favor of acquittal. When the test came on the 16th of May, seven Republicans voted with the Democrats for acquittal on the eleventh article. Another vote on the 26th of May, on the first and second articles,

showed that conviction was not possible. The radical legislative reaction was thus checked at its highest point and the presidency as a part of the American governmental system was no longer in danger. The seven Republicans had, however, signed their own political death warrants; they were never forgiven by the party leaders.

The presidential campaign was beginning to take shape even before the impeachment trial began. Both the Democrats and the reorganized Republicans were turning with longing toward General Grant as a candidate. Though he had always been a Democrat, nevertheless when Johnson actually called him a liar and a promise breaker Grant went over to the radicals and was nominated for President on May 20, 1868, by the National Union Republican party. Schuyler Colfax was the candidate for Vice President. The Democrats, who could have won with Grant and who under good leadership still had a bare chance to win, nominated Horatio Seymour of New York and Francis P. Blair of Missouri. The former had served as war governor of New York, while the latter was considered an extreme Democrat who believed that the radical reconstruction of the South should be stopped, the troops

withdrawn, and the people left to form their own governments. The Democratic platform pronounced itself opposed to the reconstruction policy, but Blair's opposition was too extreme for the North. Seymour, more moderate and a skillful campaigner, made headway in the rehabilitation of the Democratic party. The Republican party declared for radical reconstruction and negro suffrage in the South but held that each Northern State should be allowed to settle the suffrage for itself. It was not a courageous platform, but Grant was popular and carried his party through to success.

The returns showed that in the election Grant had carried twenty-six States with 214 electoral votes, while Seymour had carried only eight States with 80 votes. But an examination of the popular vote, which was 3,000,000 for Grant and 2,700,000 for Seymour, gave the radicals cause for alarm, for it showed that the Democrats had more white votes than the Republicans, whose total included nearly 700,000 blacks. To insure the continuance of the radicals in power, the Fifteenth Amendment was framed and sent out to the States on February 26, 1869. This amendment appeared not only to make safe the negro

majorities in the South but also gave the ballot to the negroes in a score of Northern States and thus assured, for a time at least, 900,000 negro voters for the Republican party.

When Johnson's term ended and he gave place to President Grant, four States were still unreconstructed — Virginia, Texas, and Mississippi, in which the reconstruction had failed, and Georgia, which, after accomplishing reconstruction, had again been placed under military rule by Congress. In Virginia, which was too near the capital for such rough work as readmitted Arkansas and Alabama into the Union, the new constitution was so severe in its provisions for disfranchisement that the disgusted district commander would not authorize the expenditure necessary to have it voted on. In Mississippi a similar constitution had failed of adoption, and in Texas the strife of party factions, radical and moderate Republican, had so delayed the framing of the constitution that it had not come to a vote.

The Republican politicians, however, wanted the offices in these States, and Congress by its resolution of February 18, 1869 directed the district commanders to remove all civil officers who could not take the "ironclad" oath and to appoint

those who could subscribe to it. An exception, however, was made in favor of the scalawags who had supported reconstruction and whose disabilities had been removed by Congress.

President Grant was anxious to complete the reconstruction and recommended to Congress that the constitutions of Virginia and Mississippi be re-submitted to the people with a separate vote on the disfranchising sections. Congress, now in harmony with the Executive, responded by placing the reconstruction of the three States in the hands of the President, but with the proviso that each State must ratify the Fifteenth Amendment. Grant thereupon fixed a time for voting in each State and directed that in Virginia and Mississippi the disfranchising clauses be submitted separately. As a result, the constitutions were ratified but proscription was voted down. The radicals secured control of Mississippi and Texas, but a conservative combination carried Virginia and thus came near keeping the State out of the Union. Finally, during the early months of 1870 the three States were readmitted.

With respect to Georgia a peculiar condition of affairs existed. In June, 1868, Georgia had been readmitted with the first of the reconstructed



States. The state legislature at once expelled the twenty-seven negro members, on the ground that the recent legislation and the state constitution gave the negroes the right to vote but not to hold office. Congress, which had already admitted the Georgia representatives, refused to receive the senators and turned the State back to military control. In 1869-70 Georgia was again reconstructed after a drastic purging of the Legislature by the military commander, the reseating of the negro members, and the ratification of both the Fourteenth and Fifteenth Amendments. The State was readmitted to representation in July, 1870, after the failure of a strong effort to extend for two years the carpetbag government of the State.

Upon the last States to pass under the radical yoke heavier conditions were imposed than upon the earlier ones. Not only were they required to ratify the Fifteenth Amendment, but the "fundamental conditions" embraced, in addition to the prohibition against future change of the suffrage, a requirement that the negroes should never be deprived of school and officeholding rights.

The congressional plan of reconstruction had thus been carried through by able leaders in the face of the opposition of a united white South,

nearly half the North, the President, the Supreme Court, and in the beginning a majority of Congress. This success was due to the poor leadership of the conservatives and to the ability and solidarity of the radicals led by Stevens and Sumner. The radicals had a definite program; the moderates had not. The object of the radicals was to secure the supremacy in the South by the aid of the negroes and exclusion of whites. Was this policy politically wise? It was at least temporarily successful. The choice offered by the radicals seemed to lie between military rule for an indefinite period and negro suffrage; and since most Americans found military rule distasteful, they preferred to try negro suffrage. But, after all, negro suffrage had to be supported by military rule, and in the end both failed completely.

## CHAPTER VIII

### THE UNION LEAGUE OF AMERICA

THE elections of 1867-68 showed that the negroes were well organized under the control of the radical Republican leaders and that their former masters had none of the influence over the blacks in political matters which had been feared by some Northern friends of the negro and had been hoped for by such Southern leaders as Governor Patton and General Hampton. Before 1865 the discipline of slavery, the influence of the master's family, and of the Southern church, had sufficed to control the blacks. But after emancipation they looked to the Federal soldiers and Union officials as the givers of freedom and the guardians of the future.

From the Union soldiers, especially the negro troops, from the Northern teachers, the missionaries and the organizers of negro churches, from the Northern officials and traveling politicians, the negroes learned that their interests were not those

of the whites. The attitude of the average white in the South often confirmed this growing estrangement. It was difficult even for the white leaders to explain the riots at Memphis and New Orleans. And those who sincerely wished well for the negro and who desired to control him for the good of both races could not possibly assure him that he was fit for the suffrage. For even Patton and Hampton must tell him that they knew better than he and that he should follow their advice.

The appeal made to freedmen by the Northern leaders was in every way more forceful, because it had behind it the prestige of victory in war and for the future it could promise anything. Until 1867 the principal agency in bringing about the separation of the races had been the Freedmen's Bureau which, with its authority, its courts, its rations, clothes, and its "forty acres and a mule," did effective work in breaking down the influence of the master. But to understand fully the almost absolute control exercised over the blacks in 1867-68 by alien adventurers one must examine the workings of an oath-bound society known as the Union or Loyal League. It was this order, dominated by a few radical whites, which organized, disciplined, and controlled the ignorant

negro masses and paralyzed the influence of the conservative whites.

The Union League of America had its origin in Ohio in the fall of 1862, when the outlook for the Union cause was gloomy. The moderate policies of the Lincoln Administration had alienated those in favor of extreme measures; the Confederates had won military successes in the field; the Democrats had made some gains in the elections; the Copperheads<sup>1</sup> were actively opposed to the Washington Government; the Knights of the Golden Circle were organizing to resist the continuance of the war; and the Emancipation Proclamation had chilled the loyalty of many Union men, which was everywhere at a low ebb, especially in the Northern cities. It was to counteract these depressing influences that the Union League movement was begun among those who were associated in the work of the United States Sanitary Commission. Observing the threatening state of public opinion, members of this organization proposed that "loyalty be organized, consolidated and made effective."

The first organization was made by eleven men

<sup>1</sup> See *Abraham Lincoln and the Union*, by Nathaniel W. Stephenson (in *The Chronicles of America*), pp. 156-7, 234-5.

in Cleveland, Ohio, in November, 1862. The Philadelphia Union League was organized a month later, and in January, 1863, the New York Union League followed. The members were pledged to uncompromising and unconditional loyalty to the Union, to complete subordination of political views to this loyalty, and to the repudiation of any belief in state rights. The other large cities followed the example of Philadelphia and New York, and soon Leagues, connected in a loose federation, were formed all through the North. They were social as well as political in their character and assumed as their task the stimulation and direction of loyal Union opinion.

As the Union armies proceeded to occupy the South, the Union League sent its agents among the disaffected Southern people. Its agents cared for negro refugees in the contraband camps and in the North. In such work the League coöperated with the various Freedmen's Aid Societies, the Department of Negro Affairs, and later with the Freedmen's Bureau. Part of the work of the League was to distribute campaign literature, and many of the radical pamphlets on reconstruction and the negro problem bore the Union League imprint. The New York League sent out about seventy

thousand copies of various publications, while the Philadelphia League far surpassed this record, circulating within eight years four million five hundred thousand copies of 144 different pamphlets. The literature consisted largely of accounts of "Southern outrages" taken from the reports of Bureau agents and similar sources.

With the close of the Civil War the League did not cease its active interest in things political. It was one of the first organizations to declare for negro suffrage and the disfranchisement of Confederates; it held steadily to this declaration during the four years following the war; and it continued as a sort of bureau in the radical Republican party for the purpose of controlling the negro vote in the South. Its representatives were found in the lobbies of Congress demanding extreme measures, endorsing the reconstruction policies of Congress, and condemning the course of the President. After the first year or two of reconstruction the Leagues in the larger Northern cities began to grow away from the strictly political Union League of America and tended to become mere social clubs for members of the same political belief. The eminently respectable Philadelphia and New York clubs had little in common with



the leagues of the Southern and Border States except a general adherence to the radical program.

Even before the end of the war the League was extending its organization into the parts of the Confederacy held by the Federal forces, admitting to membership the army officers and the leading Unionists, though maintaining for the sake of the latter "a discreet secrecy." With the close of the war and the establishment of army posts over the South the League grew rapidly. The civilians who followed the army, the Bureau agents, the missionaries, and the Northern teachers formed one class of membership; and the loyalists of the hill and mountain country, who had become disaffected toward the Confederate administration and had formed such orders as the Heroes of America, the Red String Band, and the Peace Society, formed another class. Soon there were added to these the deserters, a few old line Whigs who intensely disliked the Democrats, and others who decided to cast their lot with the victors. The disaffected politicians of the up-country, who wanted to be cared for in the reconstruction, saw in the organization a means of dislodging from power the political leaders of the low country. It has been estimated that thirty per cent of the white men of

the hill and mountain counties of the South joined the Union League in 1865-66. They cared little about the original objects of the order but hoped to make it the nucleus of an anti-Democratic political organization.

But on the admission of negroes into the lodges or councils controlled by Northern men the native white members began to withdraw. From the beginning the Bureau agents, the teachers, and the preachers had been holding meetings of negroes, to whom they gave advice about the problems of freedom. Very early these advisers of the blacks grasped the possibilities inherent in their control of the schools, the rationing system, and the churches. By the spring of 1866 the negroes were widely organized under this leadership, and it needed but slight change to convert the negro meetings into local councils of the Union League.<sup>1</sup> As soon as it seemed likely that Congress would win in its struggle with the President the guardians of the negro planned their campaign for the control

<sup>1</sup> Of these teachers of the local blacks, E. L. Godkin, editor of the *New York Nation*, who had supported the reconstruction acts, said: "Worse instructors for men emerging from slavery and coming for the first time face to face with the problems of free life than the radical agitators who have undertaken the political guidance of the blacks it would be hard to meet with."

of the race. Negro leaders were organized into councils of the League or into Union Republican Clubs. Over the South went the organizers, until by 1868 the last negroes were gathered into the fold.

The native whites did not all desert the Union League when the negroes were brought in. Where the blacks were most numerous the desertion of whites was general, but in the regions where they were few some of the whites remained for several years. The elections of 1868 showed a falling off of the white radical vote from that of 1867, one measure of the extent of loss of whites. From this time forward the order consisted mainly of blacks with enough whites for leaders. In the Black Belt the membership of native whites was discouraged by requiring an oath to the effect that secession was treason. The carpetbagger had found that he could control the negro without the help of the scalawag. The League organization was soon extended and centralized; in every black district there was a Council; for the State there was a Grand Council; and for the United States there was a National Grand Council with headquarters in New York City.

The influence of the League over the negro was

due in large degree to the mysterious secrecy of the meetings, the weird initiation ceremony that made him feel fearfully good from his head to his heels, the imposing ritual, and the songs. The ritual, it is said, was not used in the North; it was probably adopted for the particular benefit of the African. The would-be Leaguer was informed that the emblems of the order were the altar, the Bible, the Declaration of Independence, the Constitution of the United States, the flag of the Union, censer, sword, gavel, ballot box, sickle, shuttle, anvil, and other emblems of industry. He was told to the accompaniment of clanking chains and groans that the objects of the order were to preserve liberty, to perpetuate the Union, to maintain the laws and the Constitution, to secure the ascendancy of American institutions, to protect, defend, and strengthen all loyal men and members of the Union League in all rights of person and property, to demand the elevation of labor, to aid in the education of laboring men, and to teach the duties of American citizenship. This enumeration of the objects of the League sounded well and was impressive. At this point the negro was always willing to take an oath of secrecy, after which he was asked to swear with a solemn oath to support the

principles of the Declaration of Independence, to pledge himself to resist all attempts to overthrow the United States, to strive for the maintenance of liberty, the elevation of labor, the education of all people in the duties of citizenship, to practice friendship and charity to all of the order, and to support for election or appointment to office only such men as were supporters of these principles and measures.

The council then sang *Hail, Columbia!* and *The Star Spangled Banner*, after which an official lectured the candidates, saying that though the designs of traitors had been thwarted, there were yet to be secured legislative triumphs and the complete ascendancy of the true principles of popular government, equal liberty, education and elevation of the workmen, and the overthrow at the ballot box of the old oligarchy of political leaders. After prayer by the chaplain, the room was darkened, alcohol on salt flared up with a ghastly light as the "fire of liberty," and the members joined hands in a circle around the candidate, who was made to place one hand on the flag and, with the other raised, swear again to support the government and to elect true Union men to office. Then placing his hand on a Bible, for the third time he

swore to keep his oath, and repeated after the president "the Freedmen's Pledge": "To defend and perpetuate freedom and the Union, I pledge my life, my fortune, and my sacred honor. So help me God!" *John Brown's Body* was then sung, the president charged the members in a long speech concerning the principles of the order, and the marshal instructed the neophyte in the signs. To pass one's self as a Leaguer, the "Four L's" had to be given: (1) with right hand raised to heaven, thumb and third finger touching ends over palm, pronounce "Liberty"; (2) bring the hand down over the shoulder and say "Lincoln"; (3) drop the hand open at the side and say "Loyal"; (4) catch the thumb in the vest or in the waistband and pronounce "League." This ceremony of initiation proved a most effective means of impressing and controlling the negro through his love and fear of secret, mysterious, and midnight mummery. An oath taken in daylight might be forgotten before the next day; not so an oath taken in the dead of night under such impressive circumstances. After passing through the ordeal, the negro usually remained faithful.

In each populous precinct there was at least one council of the League, and always one for blacks.

In each town or city there were two councils, one for the whites, and another, with white officers, for the blacks. The council met once a week, sometimes oftener, nearly always at night, and in a negro church or schoolhouse. Guards, armed with rifles and shotguns, were stationed about the place of meeting in order to keep away intruders. Members of some councils made it a practice to attend the meetings armed as if for battle. In these meetings the negroes listened to inflammatory speeches by the would-be statesmen of the new régime; here they were drilled in a passionate conviction that their interests and those of the Southern whites were eternally at war.

White men who joined the order before the negroes were admitted and who left when the latter became members asserted that the negroes were taught in these meetings that the only way to have peace and plenty, to get "the forty acres and a mule," was to kill some of the leading whites in each community as a warning to others. In North Carolina twenty-eight barns were burned in one county by negroes who believed that Governor Holden, the head of the State League, had ordered it. The council in Tuscumbia, Alabama, received advice from Memphis to use the torch



because the blacks were at war with the white race. The advice was taken. Three men went in front of the council as an advance guard, three followed with coal oil and fire, and others guarded the rear. The plan was to burn the whole town, but first one negro and then another insisted on having some white man's house spared because "he is a good man." In the end no residences were burned, and a happy compromise was effected by burning the Female Academy. Three of the leaders were afterwards lynched.

The general belief of the whites was that the ultimate object of the order was to secure political power and thus bring about on a large scale the confiscation of the property of Confederates, and meanwhile to appropriate and destroy the property of their political opponents wherever possible. Chicken houses, pigpens, vegetable gardens, and orchards were visited by members returning from the midnight conclaves. During the presidential campaign of 1868 the North Carolina League sent out circular instructions to the blacks advising them to drill regularly and to join the militia, for if Grant were not elected the negroes would go back to slavery; if he were elected, the negroes were to have farms, mules, and offices.

As soon as possible after the war the negroes had supplied themselves with guns and dogs as badges of freedom. They carried their guns to the League meetings, often marching in military formation, went through the drill there, marched home again along the roads, shouting, firing, and indulging in boasts and threats against persons whom they disliked. Later, military parades in the daytime were much favored. Several hundred negroes would march up and down the streets, abusing whites, and shoving them off the sidewalk or out of the road. But on the whole, there was very little actual violence, though the whites were much alarmed at times. That outrages were comparatively few was due, not to any sensible teachings of the leaders, but to the fundamental good nature of the blacks, who were generally content with mere impudence.

The relations between the races, indeed, continued on the whole to be friendly until 1867-68. For a while, in some localities before the advent of the League, and in others where the Bureau was conducted by native magistrates, the negroes looked to their old masters for guidance and advice; and the latter, for the good of both races, were most eager to retain a moral control over the blacks.

They arranged barbecues and picnics for the negroes, made speeches, gave good advice, and believed that everything promised well. Sometimes the negroes themselves arranged the festival and invited prominent whites, for whom a separate table attended by negro waiters was reserved; and after dinner there followed speeches by both whites and blacks.

With the organization of the League, the negroes grew more reserved, and finally became openly unfriendly to the whites. The League alone, however, was not responsible for this change. The League and the Bureau had to some extent the same personnel, and it is frequently impossible to distinguish clearly between the influence of the two. In many ways the League was simply the political side of the Bureau. The preaching and teaching missionaries were also at work. And apart from the organized influences at work, the poor whites never laid aside their hostility towards the blacks, bond or free.

When the campaigns grew exciting, the discipline of the order was used to prevent the negroes from attending Democratic meetings and hearing Democratic speakers. The leaders even went farther and forbade the attendance of the blacks

at political meetings where the speakers were not endorsed by the League. Almost invariably the scalawag disliked the Leaguer, black or white, and as a political teacher often found himself proscribed by the League. At a Republican mass meeting in Alabama a white Republican who wanted to make a speech was shouted down by the negroes because he was "opposed to the Loyal League." He then went to another place to speak but was followed by the crowd, which refused to allow him to say anything. All Republicans in good standing had to join the League and swear that secession was treason — a rather stiff dose for the scalawag. Judge (later Governor) David P. Lewis, of Alabama, was a member for a short while but he soon became disgusted and published a denunciation of the order. Albion W. Tourgée, the author, a radical judge, was the first chief of the League in North Carolina and was succeeded by Governor Holden. In Alabama, Generals Swayne, Spencer, and Warner, all candidates for the United States Senate, hastened to join the order.

As soon as a candidate was nominated by the League, it was the duty of every member to support him actively. Failure to do so resulted in a fine or other more severe punishment, and members

who had been expelled were still considered under the control of the officials. The League was, in fact, the machine of the radical party, and all candidates had to be governed by its edicts. As the Montgomery Council declared, the Union League was "the right arm of the Union-Republican party in the United States."

Every negro was *ex colore* a member or under the control of the League. In the opinion of the League, white Democrats were bad enough, but black Democrats were not to be tolerated. It was almost necessary, as a measure of personal safety, for each black to support the radical program. It was possible in some cases for a negro to refrain from taking an active part in political affairs. He might even fail to vote. But it was actually dangerous for a black to be a Democrat; that is, to try to follow his old master in politics. The whites in many cases were forced to advise their few faithful black friends to vote the radical ticket in order to escape mistreatment. Those who showed Democratic leanings were proscribed in negro society and expelled from negro churches; the negro women would not "proshay" (appreciate) a black Democrat. Such a one was sure to find that influence was being brought to bear upon

his dusky sweetheart or his wife to cause him to see the error of his ways, and persistent adherence to the white party would result in his losing her. The women were converted to radicalism before the men, and they almost invariably used their influence strongly in behalf of the League. If moral suasion failed to cause the delinquent to see the light, other methods were used. Threats were common and usually sufficed. Fines were levied by the League on recalcitrant members. In case of the more stubborn, a sound beating was effective to bring about a change of heart. The offending party was "bucked and gagged," or he was tied by the thumbs and thrashed. Usually the sufferer was too afraid to complain of the way he was treated.

Some of the methods of the Loyal League were similar to those of the later Ku Klux Klan. Anonymous warnings were sent to obnoxious individuals, houses were burned, notices were posted at night in public places and on the houses of persons who had incurred the hostility of the order. In order to destroy the influence of the whites where kindly relations still existed, an "exodus order" issued through the League directed all members to leave their old homes and obtain work elsewhere. Some of the blacks were loath to comply with this order,

but to remonstrances from the whites the usual reply was: "De word done sent to de League. We got to go." For special meetings the negroes were in some regions called together by signal guns. In this way the call for a gathering went out over a county in a few minutes and a few hours later nearly all the members in the county assembled at the appointed place.

Negroes as organizing agents were inclined to go to extremes and for that reason were not so much used. In Bullock County, Alabama, a council of the League was organized under the direction of a negro emissary, who proceeded to assume the government of the community. A list of crimes and punishments was adopted, a court with various officials was established, and during the night the negroes who opposed the new régime were arrested. But the black sheriff and his deputy were in turn arrested by the civil authorities. The negroes then organized for resistance, flocked into the county seat, and threatened to exterminate the whites and take possession of the county. Their agents visited the plantations and forced the laborers to join them by showing orders purporting to be from General Swayne, the commander in the State, giving them the authority to kill all



who resisted them. Swayne, however, sent out detachments of troops and arrested fifteen of the ringleaders, and the League government collapsed.

After it was seen that existing political institutions were to be overturned in the process of reconstruction, the white councils of the League and, to a certain extent, the negro councils were converted into training schools for the leaders of the new party soon to be formed in the State by act of Congress. The few whites who were in control were unwilling to admit more white members to share in the division of the spoils; terms of admission became more stringent, and, especially after the passage of the reconstruction acts in March, 1867, many white applicants were rejected. The alien element from the North was in control and as a result, where the blacks were numerous, the largest plums fell to the carpetbaggers. The negro leaders — the politicians, preachers, and teachers — trained in the League acted as subordinates to the whites and were sent out to drum up the country negroes when elections drew near. The negroes were given minor positions when offices were more plentiful than carpetbaggers. Later, after some complaint, a larger share of the offices fell to them.

The League counted its largest white membership in 1865-66, and after that date it steadily decreased. The largest negro membership was recorded in 1867 and 1868. The total membership was never made known. In North Carolina the order claimed from seventy-five thousand to one hundred and twenty-five thousand members; in States with larger negro populations the membership was probably quite as large. After the election of 1868 only the councils in the towns remained active, many of them transformed into political clubs, loosely organized under local political leaders. The plantation negro needed less looking after, and except in the largest towns he became a kind of visiting member of the council in the town. The League as a political organization gradually died out by 1870.<sup>1</sup>

The League had served its purpose. It had enabled a few outsiders to control the negro by separating the races politically and it had com-

<sup>1</sup> The Ku Klux Klan had much to do with the decline of the organization. The League as the ally and successor of the Freedmen's Bureau was one of the causes of the Ku Klux movement, because it helped to create the conditions which made such a movement inevitable. As early as 1870 the radical leaders missed the support formerly given by the League, and an urgent appeal was sent out all over the South from headquarters in New York advocating its reëstablishment to assist in carrying the elections of 1870.

pelled the negroes to vote as radicals for several years, when without its influence they would either not have voted at all or would have voted as Democrats along with their former masters. The order was necessary to the existence of the radical party in the Black Belt. No ordinary political organization could have welded the blacks into a solid party. The Freedmen's Bureau, which had much influence over the negroes, was too weak in numbers to control the negroes in politics. The League finally absorbed the personnel of the Bureau and turned its prestige and its organization to political advantage.

## CHAPTER IX

### CHURCH AND SCHOOL

RECONSTRUCTION in the State was closely related to reconstruction in the churches and the schools. Here also were to be found the same hostile elements: negro and white, Unionist and Confederate, victor and vanquished. The church was at that time an important institution in the South, more so than in the North, and in both sections more important than it is today. It was inevitable, therefore, that ecclesiastical reconstruction should give rise to bitter feelings.

Something should be said of conditions in the churches when the Federal armies occupied the land. The Southern organizations had lost many ministers and many of their members, and frequently their buildings were used as hospitals or had been destroyed. Their administration was disorganized and their treasuries were empty. The Unionists, scattered here and there but numerous

in the mountain districts, no longer wished to attend the Southern churches.

The military censorship in church matters, which continued for a year in some districts, was irritating, especially in the Border States and in the Union districts where Northern preachers installed by the army were endeavoring to remain against the will of the people. Mobs sometimes drove them out; others were left to preach to empty houses or to a few Unionists and officers, while the congregation withdrew to build a new church. The problems of negro membership in the white churches and of the future relations of the Northern and Southern denominations were pressing for settlement.

All Northern organizations acted in 1865 upon the assumption that a reunion of the churches must take place and that the divisions existing before the war should not be continued, since slavery, the cause of the division, had been destroyed. But they insisted that the reunion must take place upon terms named by the "loyal" churches, that the negroes must also come under "loyal" religious direction, and that tests must be applied to the Confederate sinners asking for admission, in order that the enormity of their

crimes should be made plain to them. But this policy did not succeed. The Confederates objected to being treated as "rebels and traitors" and to "sitting upon stools of repentance" before they should be received again into the fold.

Only two denominations were reunited — the Methodist Protestant, the northern section of which came over to the southern, and the Protestant Episcopal, in which moderate counsels prevailed and into which Southerners were welcomed back. The Southern Baptists maintained their separate existence and reorganized the Southern Baptist Convention, to which came many of the Baptist associations in the Border States; the Catholics did not divide before 1861 and therefore had no reconstruction problems to solve; and the smaller denominations maintained the organizations which they had before 1861. A Unionist preacher testified before the Joint Committee on Reconstruction that even the Southern Quakers "are about as decided in regard to the respectability of secession as any other class of people."

Two other great Southern churches, the Presbyterian and the Methodist Episcopal, grew stronger after the Civil War. The tendency toward reunion of the Presbyterians was checked

when one Northern branch declared as "a condition precedent to the admission of southern applicants that these confess as sinful all opinions before held in regard to slavery, nullification, rebellion and slavery, and stigmatize secession as a crime and the withdrawal of the southern churches as a schism." Another Northern group declared that Southern ministers must be placed on probation and must either prove their loyalty or profess repentance for disloyalty and repudiate their former opinions. As a result several Presbyterian bodies in the South joined in a strong union, to which also adhered the synods of several Border States.

The Methodist Episcopal Church, South, was confronted with conditions similar to those which prevented the reunion of the Presbyterians. The Northern church, according to the declaration of its authorities, also came down to divide the spoils and to "disintegrate and absorb" the "schismatic" Southern churches. Already many Southern pulpits were filled with Northern Methodist ministers placed there under military protection; and when they finally realized that reunion was not possible, these Methodist worthies resolved to occupy the late Confederacy as a mission field and to organize congregations of blacks and



whites who were "not tainted with treason." Bishops and clergymen charged with this work carried it on vigorously for a few years in close connection with political reconstruction.

The activities of the Northern Methodists stimulated the Southern Methodists to a quick reorganization. The surviving bishops met in August, 1865, and bound together their shaken church. In reply to suggestions of reunion they asserted that the Northern Methodists had become "incurably radical," were too much involved in politics, and, further, that they had, without right, seized and were still holding Southern church buildings. They objected also to the way the Northern church referred to the Southerners as "schismatics" and to the Southern church as one built on slavery and therefore, now that slavery was gone, to be reconstructed. The bishops warned their people against the missionary efforts of the Northern brethren and against the attempts to "disintegrate and absorb" Methodism in the South. Within five years after the war the Methodist Episcopal Church, South, was greatly increased in numbers by the accession of conferences in Maryland, Kentucky, Virginia, Missouri, and even from above the Ohio, while the Northern

Methodist Church was able to organize only a few white congregations outside of the stronger Unionist districts, but continued to labor in the South as a missionary field.<sup>1</sup>

But if the large Southern churches held their white membership and even gained in numbers and territory, they fought a losing fight to retain their black members. It was assumed by Northern ecclesiastics that whether a reunion of whites took place or not, the negroes would receive spiritual guidance from the North. This was necessary, they said, because the Southern whites were ignorant and impoverished and because "the state of mind among even the best classes of Southern

<sup>1</sup> The church situation after the war was well described in 1866 by an editorial writer in the *Nation* who pointed out that the Northern churches thought the South determined to make the religious division permanent, though "slavery no longer furnishes a pretext for separation." "Too much pains were taken to bring about an ecclesiastical reunion, and irritating offers of reconciliation are made by the Northern churches, all based on the assumption that the South has not only sinned, but sinned knowingly, in slavery and in war. We expect them to be penitent and to gladly accept our offers of forgiveness. But the Southern people look upon a 'loyal' missionary as a political emissary, and 'loyal' men do not at present possess the necessary qualifications for evangelizing the Southerners or softening their hearts, and are sure not to succeed in doing so. We look upon their defeat as retribution and expect them to do the same. It will do no good if we tell the Southerner that 'we will forgive them if they will confess that they are criminals, offer to pray with them, preach with them, and labor with them over their hideous sins.'"

whites rendered them incapable . . . of doing justice to the people whom they had so long persistently wronged." Further, it was also necessary for political reasons to remove the negroes from Southern religious control.

For obvious reasons, however, the Southern churches wanted to hold their negro members. They declared themselves in favor of negro education and of better organized religious work among the blacks, and made every sort of accommodation to hold them. The Baptists organized separate congregations, with white or black pastors as desired, and associations of black churches. In 1866 the Methodist General Conference authorized separate congregations, quarterly conferences, annual conferences, even a separate jurisdiction, with negro preachers, presiding elders, and bishops — but all to no avail. Every Northern political, religious, or military agency in the South worked for separation, and negro preachers were not long in seeing the greater advantages which they would have in independent churches.

Much of the separate organization was accomplished in mutual good will, particularly in the Baptist ranks. The Reverend I. T. Tichenor, a prominent Baptist minister, has described the

process as it took place in the First Baptist Church in Montgomery. The church had nine hundred members, of whom six hundred were black. The negroes received a regular organization of their own under the supervision of the white pastors. When a separation of the two bodies was later deemed desirable, it was inaugurated by a conference of the negroes which passed a resolution couched in the kindest terms, suggesting the wisdom of the division, and asking the concurrence of the white church in such action. The white church cordially approved the movement, and the two bodies united in erecting a suitable house of worship for the negroes. Until the new church was completed, both congregations continued to occupy jointly the old house of worship. The new house was paid for in large measure by the white members of the church and by individuals in the community. As soon as it was completed the colored church moved into it with its pastor, board of deacons, committees of all sorts, and the whole machinery of church life went into action without a jar. Similar accommodations occurred in all the States of the South.

The Methodists lost the greater part of their negro membership to two organizations which

came down from the North in 1865 — the African Methodist Episcopal Church and the African Methodist Episcopal Church, Zion. Large numbers also went over to the Northern Methodist Church. After losing nearly three hundred thousand members, the Southern Methodists came to the conclusion that the remaining seventy-eight thousand negroes would be more comfortable in a separate organization and therefore began in 1866 the Colored Methodist Episcopal Church, with bishops, conferences, and all the accompaniments of the parent Methodist Church, which continued to give friendly aid but exercised no control. For many years the Colored Methodist Church was under fire from the other negro denominations, who called it the “rebel,” the “Democratic,” the “old slavery” church.

The negro members of the Cumberland Presbyterians were similarly set off into a small African organization. The Southern Presbyterians and the Episcopalians established separate congregations and missions under white supervision but sanctioned no independent negro organization. Consequently the negroes soon deserted these churches and went with their own kind.

Resentment at the methods employed by the

Northern religious carpetbaggers was strong among the Southern whites. "Emissaries of Christ and the radical party" they were called by one Alabama leader. Governor Lindsay of the same State asserted that the Northern missionaries caused race hatred by teaching the negroes to regard the whites as their natural enemies, who, if possible, would put them back in slavery. Others were charged with teaching that to be on the safe side, the blacks should get into a Northern church, and that "Christ died for negroes and Yankees, not for rebels."

The scalawags, also, developed a dislike of the Northern church work among the negroes and it was impossible to organize mixed congregations. Of the Reverend A. S. Lakin, a well-known agent of the Northern Methodist Church in Alabama, Nicholas Davis, a North Alabama Unionist and scalawag, said to the Ku Klux Committee: "The character of his [Lakin's] speech was this: to teach the negroes that every man that was born and raised in the Southern country was their enemy, that there was no use trusting them, no matter what they said — if they said they were for the Union or anything else. 'No use talking, they are your enemies.' And he made a pretty good speech,

too; awful; a hell of a one; . . . inflammatory and game, too. . . . It was enough to provoke the devil. Did all the mischief he could . . . I tell you, that old fellow is a hell of an old rascal."

For a time the white churches were annoyed by intrusions of strange blacks set on by those who were bent on separating the races. Frequently there were feuds in white or black congregations over the question of joining some Northern body. Disputes over church property also arose and continued for years. Lakin, referred to above, was charged with "stealing" negro congregations and uniting them with the Cincinnati Conference without their knowledge. The negroes were urged to demand title to all buildings formerly used for negro worship, and the Constitutional Convention of Alabama in 1867 directed that such property must be turned over to them when claimed.

The agents of the Northern churches were not greatly different from other carpetbaggers and adventurers taking advantage of the general confusion to seize a little power. Many were unscrupulous; others, sincere and honest but narrow, bigoted, and intolerant, filled with distrust of the Southern whites and with corresponding confidence in the blacks and in themselves. The



missionary and church publications were quite as severe on the Southern people as any radical Congressman. The publications of the Freedmen's Aid Society furnish illustrations of the feelings and views of those engaged in the Southern work. They in turn were made to feel the effects of a merciless social proscription. For this some of them cared not at all, while others or their families felt it keenly. One woman missionary wrote that she was delighted when a Southern white would speak to her. A preacher in Virginia declared that "the females, those especially whose pride has been humbled, are more intense in their bitterness and endeavor to keep up a social ostracism against Union and Northern people." The Ku Klux raids were directed against preachers and congregations whose conduct was disagreeable to the whites. Lakin asserted that while he was conducting a great revival meeting among the hills of northern Alabama, Governor Smith and other prominent and sinful scalawag politicians were there "under conviction" and about to become converted. But in came the Klan and the congregation scattered. Smith and the others were so angry and frightened that their good feelings were dissipated, and the devil reëntered them, so that Lakin said he was

never able to "get a hold on them" again. For the souls lost that night he held the Klan responsible. Lakin told several marvelous stories of his hairbreadth escapes from death by assassination which, if true, would be enough to ruin the reputation of northern Alabama men for marksmanship.

The reconstruction ended with conditions in the churches similar to those in politics: the races were separated and unfriendly; Northern and Southern church organizations were divided; and between them, especially in the border and mountain districts, there existed factional quarrels of a political origin, for every Northern Methodist was a Republican and every Southern Methodist was a Democrat.

The schools of the South, like the churches and political institutions, were thrown into the melting pot of reconstruction. The spirit in which the work was begun may be judged from the tone of the addresses made at a meeting of the National Teachers Association in 1865. The president, S. S. Greene, declared that "the old slave States are to be the new missionary ground for the national school teacher." Francis Wayland, the former president of Brown University, remarked

that "it has been a war of education and patriotism against ignorance and barbarism." President Hill of Harvard spoke of the "new work of spreading knowledge and intellectual culture over the regions that sat in darkness." Other speakers asserted that the leading Southern whites were as much opposed to free schools as to free governments and "we must treat them as western farmers do the stumps in their clearings, work around them and let them rot out"; that the majority of the whites were more ignorant than the slaves; and that the negro must be educated and strengthened against "the wiles, the guile, and hate of his baffled masters and their minions." The New England Freedmen's Aid Society considered it necessary to educate the negro "as a counteracting influence against the evil councils and designs of the white freemen."

The tasks that confronted the Southern States in 1865-67 were two: first, to restore the shattered school systems of the whites; and second, to arrange for the education of the negroes. Education of the negro slave had been looked upon as dangerous and had been generally forbidden. A small number of negroes could read and write, but there were at the close of the war no schools

for the children. Before 1861 each State had developed at least the outlines of a school system. Though hindered in development by the sparseness of the population and by the prevalence in some districts of the Virginia doctrine that free schools were only for the poor, public schools were nevertheless in existence in 1861. Academies and colleges, however, were thronged with students. When the war ended, the public schools were disorganized, and the private academies and the colleges were closed. Teachers and students had been dispersed; buildings had been burned or used for hospitals and laboratories; and public libraries had virtually disappeared.

The colleges made efforts to open in the fall of 1865. Only one student presented himself at the University of Alabama for matriculation; but before June, 1866, the stronger colleges were again in operation. The public or semi-public schools for the whites also opened in the fall. In the cities where Federal military authorities had brought about the employment of Northern teachers, there was some friction. In New Orleans, for example, the teachers required the children to sing Northern songs and patriotic airs. When the Confederates were restored to power these teachers were dismissed.

The movement toward negro education was general throughout the South. Among the blacks themselves there was an intense desire to learn. They wished to read the Bible, to be preachers, to be as the old master and not have to work. Day and night and Sunday they crowded the schools. According to an observer,<sup>1</sup> "not only are individuals seen at study, and under the most untoward circumstances, but in very many places I have found what I will call 'native schools,' often rude and very imperfect, but there they are, a group, perhaps, of all ages, trying to learn. Some young man, some woman, or old preacher, in cellar, or shed, or corner of a negro meeting-house, with the alphabet in hand, or a town spelling-book, is their teacher. All are full of enthusiasm with the new knowledge the book is imparting to them."

Not only did the negroes want schooling, but both the North and the South proposed to give it to them. Neither side was actuated entirely by altruistic motives. A Hampton Institute teacher in later days remarked: "When the combat was over and the Yankee school-ma'ams followed in the train of the northern armies, the business of

<sup>1</sup> J. W. Alvord, Superintendent of Schools for the Freedmen's Bureau, 1866.

educating the negroes was a continuation of hostilities against the vanquished and was so regarded to a considerable extent on both sides."

The Southern churches, through their bishops and clergy, the newspapers, and prominent individuals such as J. L. M. Curry, John B. Gordon, J. L. Orr, Governors Brown, Moore, and Patton, came out in favor of negro education. Of this movement General Swayne said: "Quite early . . . the several religious denominations took strong ground in favor of the education of the freedmen. The principal argument was an appeal to sectional and sectarian prejudice, lest, the work being inevitable, the influence which must come from it be realized by others; but it is believed that this was but the shield and weapon which men of unselfish principle found necessary at first." The newspapers took the attitude that the Southern whites should teach the negroes because it was their duty, because it was good policy, and because if they did not do so some one else would. The *Advertiser* of Montgomery stated that education was a danger in slavery times but that under freedom ignorance became a danger. For a time there were numerous schools taught by crippled Confederates and by Southern women.

But the education of the negro, like his religious training, was taken from the control of the Southern white and was placed under the direction of the Northern teachers and missionaries who swarmed into the country under the fostering care of the Freedmen's Bureau, the Northern churches, and the various Freedmen's Aid Societies. In three years the Bureau spent six million dollars on negro schools and everywhere it exercised supervision over them. The teachers pursued a policy akin to that of the religious leaders. One Southerner likened them to the "plagues of Egypt," another described them as "saints, fools, incendiaries, fakirs, and plain business men and women." A Southern woman remarked that "their spirit was often high and noble so far as the black man's elevation was concerned, but toward the white it was bitter, judicial, and unrelenting." The Northern teachers were charged with ignorance of social conditions, with fraternizing with the blacks, and with teaching them that the Southerners were traitors, "murderers of Lincoln," who had been cruel taskmasters and who now wanted to restore servitude.

The reaction against negro education, which began to show itself before reconstruction was inaugurated, found expression in the view of most whites



that "schooling ruins a negro." A more intelligent opinion was that of J. L. M. Curry, a lifelong advocate of negro education:

It is not just to condemn the negro for the education which he received in the early years after the war. That was the period of reconstruction, the saturnalia of misgovernment, the greatest possible hindrance to the progress of the freedmen. . . . The education was unsettling, demoralizing, [and it] pandered to a wild frenzy for schooling as a quick method of reversing social and political conditions. Nothing could have been better devised for deluding the poor negro and making him the tool, the slave of corrupt taskmasters. Education is a natural consequence of citizenship and enfranchisement . . . of freedom and humanity. But with deliberate purpose to subject the Southern States to negro domination, and secure the States permanently for partisan ends, the education adopted was contrary to common-sense, to human experience, to all noble purposes. The curriculum was for a people in the highest degree of civilization; the aptitude and capabilities and needs of the negro were wholly disregarded. Especial stress was laid on classics and liberal culture to bring the race *per saltum* to the same plane with their former masters, and realize the theory of social and political equality. A race more highly civilized, with best heredities and environments, could not have been coddled with more disregard of all the teachings of human history and the necessities of the race. Colleges and universities, established and conducted by the Freedmen's Bureau and Northern churches and societies, sprang up like mush-

rooms, and the teachers, ignorant, fanatical, without self-poise, proceeded to make all possible mischief. It is irrational, cruel, to hold the negro, under such strange conditions, responsible for all the ill consequences of bad education, unwise teachers, reconstruction villanies, and partisan schemes.<sup>1</sup>

Education was to be looked upon as a handmaid to a thorough reconstruction, and its general character and aim were determined by the Northern teachers. Each convention framed a more or less complicated school system and undertook to provide for its support. The negroes in the conventions were anxious for free schools; the conservatives were willing; but the carpetbaggers and a few mulatto leaders insisted in several States upon mixed schools. Only in Louisiana and South Carolina did the constitutions actually forbid separate schools; in Mississippi, Florida, Alabama, and Arkansas the question was left open, to the embarrassment of the whites. Generally the blacks showed no desire for mixed schools unless urged to it by the carpetbaggers. In the South Carolina convention a mulatto thus argued in favor of mixed schools: "The gentleman from Newberry said he was afraid we were taking a wrong

<sup>1</sup> Quoted in *Proceedings of the Montgomery Conference on Race Problems* (1900), p. 128.

course to remove these prejudices. The most natural method to effect this object would be to allow children when five or six years of age to mingle in schools together and associate generally. Under such training, prejudice must eventually die out; but if we postpone it until they become men and women, prejudice will be so established that no mortal can obliterate it. This, I think, is a sufficient reply to the argument of the gentleman."

The state systems were top-heavy with administrative machinery and were officered by incompetent and corrupt officials. Such men as Cloud in Alabama, Cardozo in Mississippi, Conway in Louisiana, and Jillson in South Carolina are fair samples of them. Much of the personnel was taken over from the Bureau teaching force. The school officials were no better than the other officeholders.

The first result of the attempt to use the schools as an instrument of reconstruction ended in the ruin of several state universities. The faculties of the Universities of North Carolina, Mississippi, and Alabama were made radical and the institutions thereupon declined to nothing. The negroes, unable to control the faculty of the University of South Carolina, forced negro students in and thus

got possession. In Louisiana the radical Legislature cut off all funds because the university would not admit negroes. The establishment of the land grant colleges was an occasion for corruption and embezzlement.

The common schools were used for radical ends. The funds set aside for them by the state constitutions or appropriated by the legislatures for these schools seldom reached their destination without being lessened by embezzlement or by plain stealing. Frequently the auditor, or the treasurer, or even the Legislature diverted the school funds to other purposes. Suffice it to say that all of the reconstruction systems broke down financially after a brief existence.

The mixed school provisions in Louisiana and South Carolina and the uncertainty of the educational situation in other States caused white children to stay away from the public schools. For several years the negroes were better provided than the whites, having for themselves both all the public schools and also those supported by private benevolence. In Mississippi, Louisiana, and South Carolina the whites could get no money for schoolhouses, while large sums were spent on negro schools. The Peabody Board, then recently

inaugurated,<sup>1</sup> refused to coöperate with school officials in the mixed school States and, when criticized, replied: "It is well known that we are helping the white children of Louisiana as being the more destitute from the fact of their unwillingness to attend mixed schools."

As was to be expected the whites criticized the attitude of the school officials, disapproved of the attempts made in the schools to teach the children radical ideas, and objected to the contents of the history texts and the "Freedmen's Readers." A white school board in Mississippi, by advertising for a Democratic teacher for a negro school, drew the fire of a radical editor who inquired: "What is the motive by which this call for a 'competent Democratic teacher' is prompted? The most damning that has ever moved the heart of man. It is to use the vote and action of a human being as a means by which to enslave him. The treachery and villainy of these rebels stands without parallel in the history of men."

A negro politician has left this account of a radical recitation in a Florida negro school:

<sup>1</sup> To administer the fund bequeathed by George Peabody of Massachusetts to promote education in the Southern States. See *The New South*, by Holland Thompson (in *The Chronicles of America*).

After finishing the arithmetic lesson they must next go through the catechism:

“Who is the ’Publican Government of the State of Florida?” *Answer*: “Governor Starns.”

“Who made him Governor?” *Answer*: “The colored people.”

“Who is trying to get him out of his seat?” *Answer*: “The Democrats, Conover, and some white and black Liberal Republicans.”

“What should the colored people do with the men who is trying to get Governor Starns out of his seat?” *Answer*: “They should kill them.” . . .

This was done that the patrons, some of whom could not read, would be impressed by the expressions of their children, and would be ready to put any one to death who would come out into the country and say anything against Governor Starns.

The native white teachers soon dropped out of negro schools, and those from the North met with the same social persecution as the white church workers. The White League and Ku Klux Klan drove off obnoxious teachers, whipped some, burned negro schoolhouses, and in various other ways manifested the reaction which was rousing the whites against negro schools.

The several agencies working for negro education gave some training to hundreds of thousands of blacks, but the whites asserted that, like the church work, it was based on a wrong spirit and resulted in evil as well as in good. Free schools

failed in reconstruction because of the dishonesty or incompetence of the authorities and because of the unsettled race question. It was not until the turn of the century that the white schools were again as good as they had been before 1861. After the reconstruction native whites as teachers of negro schools were impossible in most places. The hostile feelings of the whites resulted and still result in a limitation of negro schools. The best thing for negro schools that came out of reconstruction was Armstrong's Hampton Institute program, which, however, was quite opposed to the spirit of reconstruction education.



## CHAPTER X

### CARPETBAG AND NEGRO RULE

THE Southern States reconstructed by Congress were subject for periods of varying length to governments designed by radical Northerners and imposed by elements thrown to the surface in the upheaval of Southern society. Georgia, Virginia, and North Carolina each had a brief experience with these governments; other States escaped after four or five years, while Louisiana, South Carolina, and Florida were not delivered from this domination until 1876. The States which contained large numbers of negroes had, on the whole, the worst experience. Here the officials were ignorant or corrupt, frauds upon the public were the rule, not the exception, and all of the reconstruction governments were so conducted that they could secure no support from the respectable elements of the electorate.

The fundamental cause of the failure of these

governments was the character of the new ruling class. Every State, except perhaps Virginia, was under the control of a few able leaders from the North generally called carpetbaggers and of a few native white radicals contemptuously designated scalawags. These were kept in power by negro voters, to some seven hundred thousand of whom the ballot had been given by the reconstruction acts. The adoption of the Fifteenth Amendment in March, 1870, brought the total in the former slave States to 931,000, with about seventy-five thousand more negroes in the North. The negro voters were most numerous, comparatively, in Louisiana, Mississippi, South Carolina, Alabama, and Georgia. There were a few thousand carpetbaggers in each State, with, at first, a much larger number of scalawags. The latter, who were former Unionists, former Whigs, Confederate deserters, and a few unscrupulous politicians, were most numerous in Virginia, North Carolina, Texas, Arkansas, and Tennessee. The better class, however, rapidly left the radical party as the character of the new régime became evident, taking with them whatever claims the party had to respectability, education, political experience, and property.

The conservatives, hopelessly reduced by the

operation of disfranchising laws, were at first not well organized, nor were they at any time as well led as in antebellum days. In 1868 about one hundred thousand of them were forbidden to vote and about two hundred thousand were disqualified from holding office. The abstention policy of 1867-68 resulted in an almost complete withdrawal of the influence of the conservatives for the two years, 1868-70. As a class they were regarded by the dominant party in State and nation as dangerous and untrustworthy and were persecuted in such irritating ways that many became indifferent to the appeals of civil duty. They formed a solid but almost despairing opposition in the black districts of Mississippi, Louisiana, Alabama, and South Carolina. For the leaders the price of amnesty was conversion to radicalism, but this price few would pay.

The new state governments possessed certain characteristics in common. Since only a small number of able men were available for office, full powers of administration, including appointment and removal, were concentrated in the hands of the governor. He exercised a wide control over public funds and had authority to organize and command militia and constabulary and to call for Federal

troops. The numerous administrative boards worked with the sole object of keeping their party in power. Officers were several times as numerous as under the old régime, and all of them received higher salaries and larger contingent fees. The moral support behind the government was that of President Grant and the United States army, not that of a free and devoted people.

Of the twenty men who served as governors eight were scalawags and twelve were carpetbaggers — men who were abler than the scalawags and who had much more than an equal share of the spoils. The scalawags, such as Brownlow of Tennessee, Smith of Alabama, and Holden of North Carolina, were usually honest but narrow, vindictive men, filled with fear and hate of the conservative whites. Of the carpetbaggers half were personally honest, but all were unscrupulous in politics. Some were flagrantly dishonest. Governor Moses of South Carolina was several times bribed and at one time, according to his own statement, received \$15,000 for his vote as speaker of the House of Representatives. Governor Stearns of Florida was charged with stealing government supplies from the negroes; and it was notorious that Warmoth and Kellogg of Louisiana, each of whom served only

one term, retired with large fortunes. Warmoth, indeed, went so far as to declare: "Corruption is the fashion. I do not pretend to be honest, but only as honest as anybody in politics."

The judiciary was no better than the executive. The chief justice of Louisiana was convicted of fraud. A supreme court judge of South Carolina offered his decisions for sale, and Whipper and Moses, both notorious thieves, were elected judges by the South Carolina Legislature. In Alabama there were many illiterate magistrates, among them the city judge of Selma, who in April, 1865, was still living as a slave. Governor Chamberlain, a radical, asserted that there were two hundred trial judges in South Carolina who could not read.

Other officers were of the same stripe. Leslie, a South Carolina carpetbagger, declared that "South Carolina has no right to be a State unless she can support her statesmen," and he proceeded to live up to this principle. The manager of the state railroad of Georgia, when asked how he had been able to accumulate twenty or thirty thousand dollars on a two or three thousand dollar salary, replied, "By the exercise of the most rigid economy." A North Carolina negro legislator was found on one occasion chuckling as he counted

some money. "What are you laughing at, Uncle?" he was asked. "Well, boss, I'se been sold 'leben times in my life and dis is de fust time I eber got de money." Godkin, in the *Nation*, said that the Georgia officials were "probably as bad a lot of political tricksters and adventurers as ever got together in one place." This description will fit equally well the white officials of all the reconstructed States. Many of the negroes who attained public office showed themselves apt pupils of their carpetbag masters but were seldom permitted to appropriate a large share of the plunder. In Florida the negro members of the Legislature, thinking that they should have a part of the bribe and loot money which their carpetbag masters were said to be receiving, went so far as to appoint what was known as a "smelling committee" to locate the good things and secure a share.

From 1868 to 1870 the legislatures of seven States were overwhelmingly radical and in several the radical majority held control for four, six, or eight years. Negroes were most numerous in the legislatures of Louisiana, South Carolina, and Mississippi, and everywhere the votes of these men were for sale. In Alabama and Louisiana negro legislators had a fixed price for their votes: for

example, six hundred dollars would buy a senator in Louisiana. In South Carolina, negro government appeared at its worst. A vivid description of the Legislature of this State in which the negroes largely outnumbered the whites is given by James S. Pike, a Republican journalist<sup>1</sup>:

In the place of this old aristocratic society stands the rude form of the most ignorant democracy that mankind ever saw, invested with the functions of government. It is the dregs of the population habilitated in the robes of their intelligent predecessors, and asserting over them the rule of ignorance and corruption. . . . It is barbarism overwhelming civilization by physical force. It is the slave rioting in the halls of his master, and putting that master under his feet. And, though it is done without malice and without vengeance, it is nevertheless none the less completely and absolutely done. . . . We will enter the House of Representatives. Here sit one hundred and twenty-four members. Of these, twenty-three are white men, representing the remains of the old civilization. These are good-looking, substantial citizens. They are men of weight and standing in the communities they represent. They are all from the hill country. The frosts of sixty and seventy winters whiten the heads of some among them. There they sit, grim and silent. They feel themselves to be but loose stones, thrown in to partially obstruct a current they are powerless to resist. . . .

This dense negro crowd . . . do the debating, the

<sup>1</sup> Pike, *The Prostrate State*, pp. 12 ff.



squabbling, the lawmaking, and create all the clamor and disorder of the body. These twenty-three white men are but the observers, the enforced auditors of the dull and clumsy imitation of a deliberative body, whose appearance in their present capacity is at once a wonder and a shame to modern civilization. . . . The Speaker is black, the Clerk is black, the doorkeepers are black, the little pages are black, the chairman of the Ways and Means is black, and the chaplain is coal black. At some of the desks sit colored men whose types it would be hard to find outside of Congo; whose costumes, visages, attitudes, and expression, only befit the forecabin of a buccaneer. It must be remembered, also, that these men, with not more than a half dozen exceptions, have been themselves slaves, and that their ancestors were slaves for generations. . . .

But the old stagers admit that the colored brethren have a wonderful aptness at legislative proceedings. They are "quick as lightning" at detecting points of order, and they certainly make incessant and extraordinary use of their knowledge. No one is allowed to talk five minutes without interruption, and one interruption is a signal for another and another, until the original speaker is smothered under an avalanche of them. Forty questions of privilege will be raised in a day. At times, nothing goes on but alternating questions of order and of privilege. The inefficient colored friend who sits in the Speaker's chair cannot suppress this extraordinary element of the debate. Some of the blackest members exhibit a pertinacity of intrusion in raising these points of order and questions of privilege that few white men can equal. Their struggles to get the floor, their bel-lowsings and physical contortions, baffle description.

The Speaker's hammer plays a perpetual tattoo to no purpose. The talking and the interruptions from all quarters go on with the utmost license. Everyone esteems himself as good as his neighbor, and puts in his oar, apparently as often for love of riot and confusion as for anything else. . . . The Speaker orders a member whom he has discovered to be particularly unruly to take his seat. The member obeys, and with the same motion that he sits down, throws his feet on to his desk, hiding himself from the Speaker by the soles of his boots. . . . After a few experiences of this sort, the Speaker threatens, in a laugh, to call the "gemman" to order. This is considered a capital joke, and a guffaw follows. The laugh goes round and then the peanuts are cracked and munched faster than ever; one hand being employed in fortifying the inner man with this nutriment of universal use, while the other enforces the views of the orator. This laughing propensity of the sable crowd is a great cause of disorder. They laugh as hens cackle — one begins and all follow.

But underneath all this shocking burlesque upon legislative proceedings, we must not forget that there is something very real to this uncouth and untutored multitude. It is not all sham, nor all burlesque. They have a genuine interest and a genuine earnestness in the business of the assembly which we are bound to recognize and respect. . . . They have an earnest purpose, born of conviction that their position and condition are not fully assured, which lends a sort of dignity to their proceedings. The barbarous, animated jargon in which they so often indulge is on occasion seen to be so transparently sincere and weighty in their own minds that sympathy supplants disgust. The whole thing is a wonderful novelty

to them as well as to observers. Seven years ago these men were raising corn and cotton under the whip of the overseer. Today they are raising points of order and questions of privilege. They find they can raise one as well as the other. They prefer the latter. It is easier and better paid. Then, it is the evidence of an accomplished result. It means escape and defense from old oppressors. It means liberty. It means the destruction of prison-walls only too real to them. It is the sunshine of their lives. It is their day of jubilee. It is their long-promised vision of the Lord God Almighty.

The congressional delegations were as radical as the state governments. During the first two years there were no Democratic senators from the reconstructed States and only two Democratic representatives, as against sixty-four radical senators and representatives. At the end of four years the Democrats numbered fifteen against seventy radicals. A negro succeeded Jefferson Davis in the Senate, and in all the race sent two senators and thirteen representatives to Congress, but though several were of high character and fair ability, they exercised practically no influence. The Southern delegations had no part in shaping policies but merely voted as they were told by the radical leaders.

The effect of dishonest government was soon seen in extravagant expenditures, heavier taxes,

increase of the bonded debt, and depression of property values. It was to be expected that after the ruin wrought by war and the admission of the negro to civil rights, the expenses of government would be greater. But only lack of honesty will account for the extraordinary expenses of the reconstruction governments. In Alabama and Florida the running expenses of the state government increased two hundred per cent, in Louisiana five hundred per cent, and in Arkansas fifteen hundred per cent — all this in addition to bond issues. In South Carolina the one item of public printing, which from 1790 to 1868 cost \$609,000, amounted in the years 1868–1876 to \$1,326,589.

Corrupt state officials had two ways of getting money — by taxation and by the sale of bonds. Taxes were everywhere multiplied. The state tax rate in Alabama was increased four hundred per cent, in Louisiana eight hundred per cent, and in Mississippi, which could issue no bonds, fourteen hundred per cent. City and county taxes, where carpetbaggers were in control, increased in the same way. Thousands of small proprietors could not meet their taxes, and in Mississippi alone the land sold for unpaid taxes amounted to six million acres, an area as large as Massachusetts and

Rhode Island together. Nordhoff<sup>1</sup> speaks of seeing Louisiana newspapers of which three-fourths were taken up by notices of tax sales. In protest against extravagant and corrupt expenditures, taxpayers' conventions were held in every State, but without effect.

Even the increased taxation, however, did not produce enough to support the new governments, which now had recourse to the sale of state and local bonds. In this way Governor Holden's Administration managed in two years to increase the public debt of North Carolina from \$16,000,000 to \$32,000,000. The state debt of South Carolina rose from \$7,000,000 to \$29,000,000 in 1873. In Alabama, by 1874, the debt had mounted from \$7,000,000 to \$32,000,000. The public debt of Louisiana rose from \$14,000,000 in 1868 to \$48,000,000 in 1871, with a local debt of \$31,000,000. Cities, towns, and counties sold bonds by the bale. The debt of New Orleans increased twenty-five fold and that of Vicksburg a thousandfold. A great deal of the debt was the result of fraudulent issues of bonds or overissues. For this form of fraud the state financial agents in New York were usually

<sup>1</sup> Charles Nordhoff, *The Cotton States in the Spring and Summer of 1875*.

responsible. Southern bonds sold far below par, and the time came when they were peddled about at ten to twenty-five cents on the dollar.

Still another disastrous result followed this corrupt financiering. In Alabama there was a sixty-five per cent decrease in property values, in Florida forty-five per cent, and in Louisiana fifty to seventy-five per cent. A large part of the best property was mortgaged, and foreclosure sales were frequent. Poorer property could be neither mortgaged nor sold. There was an exodus of whites from the worst governed districts in the West and the North. Many towns, among them Mobile and Memphis, surrendered their charters and were ruled directly by the governor; and there were numerous "strangled" counties which on account of debt had lost self-government and were ruled by appointees of the governor.

A part of the money raised by taxes and by bond sales was used for legitimate expenses and the rest went to pay forged warrants, excess warrants, and swollen mileage accounts, and to fill the pockets of embezzlers and thieves from one end of the South to the other. In Arkansas, for example, the auditor's clerk hire, which was \$4000 in 1866, cost twenty-three times as much in 1873. In Louisiana

and South Carolina stealing was elevated into an art and was practiced without concealment. In the latter State the worthless Hell Hole Swamp was bought for \$26,000 to be farmed by the negroes but was charged to the State at \$120,000. A free restaurant maintained at the Capitol for the legislators cost \$125,000 for one session. The porter who conducted it said that he kept it open sixteen to twenty hours a day and that some one was always in the room eating and drinking or smoking. When a member left he would fill his pockets with cigars or with bottles of drink. Forty different brands of beverages were paid for by the State for the private use of members, and all sorts of food, furniture, and clothing were sent to the houses of members and were paid for by the State as "legislative supplies." On the bills appeared such items as imported mushrooms, one side of bacon, one feather bed, bustles, two pairs of extra long stockings, one pair of garters, one bottle perfume, twelve monogram cut glasses, one horse, one comb and brush, three gallons of whisky, one pair of corsets. During the recess, supplies were sent out to the rural homes of the members.

The endorsement of railroad securities by the State also furnished a source of easy money to



the dishonest official and the crooked speculator. After the Civil War, in response to the general desire in the South for better railroad facilities, the "Johnson" governments began to underwrite railroad bonds. When the carpetbag and negro governments came in, the policy was continued but without proper safeguards. Bonds were sometimes endorsed before the roads were constructed, and even excess issues were authorized. Bonds were endorsed for some roads of which not a mile was ever built. The White River Valley and Texas Railroad never came into existence, but it obtained a grant of \$175,000 from the State of Arkansas. Speaker Carter of the Louisiana Legislature received a financial interest in all railroad endorsement bills which he steered through the House. Negro members were regularly bribed to vote for the bond steals. A witness swore that in Louisiana it cost him \$80,000 to get a railroad charter passed, but that the Governor's signature cost more than the consent of the Legislature.

When the roads defaulted on the payment of interest, as most of them did, the burden fell upon the State. Not all of the blame for this perverted legislation should be placed upon the corrupt legislators, however, for the lawyers who saw the

bills through were frequently Southern Democrats representing supposedly respectable Northern capitalists. The railroads as well as the taxpayers suffered from this pernicious lobbying, for the companies were loaded with debts and rarely profited by the loans. Valuation of railroad property rapidly decreased. The roads of Alabama which were valued in 1871 at \$26,000,000 had decreased in 1875 to \$9,500,000.

The foundation of radical power in the South lay in the alienation of the races which had been accomplished between 1865 and 1868. To maintain this unhappy distrust, the radical leaders found an effective means in the negro militia. Under the constitution of every reconstructed State a negro constabulary was possible, but only in South Carolina, North Carolina, Louisiana, and Mississippi were the authorities willing to risk the dangers of arming the blacks. No governor dared permit the Southern whites to organize as militia. In South Carolina the carpetbag governor, Robert K. Scott, enrolled ninety-six thousand negroes as members of the militia and organized and armed twenty thousand of them. The few white companies were ordered to disband. In Louisiana the governor

had a standing army of blacks called the Metropolitan Guard. In several States the negro militia was used as a constabulary and was sent to any part of the State to make arrests.

In spite of this provocation there were, after the riots of 1866-67, comparatively few race conflicts until reconstruction was drawing to a close. The intervening period was filled with the more peaceful activities of the Ku Klux Klan and the White Camelia.<sup>1</sup> But as the whites made up their minds to get rid of negro rule, the clashes came frequently and always ended in the death of more negroes than whites.<sup>2</sup> They would probably have continued with serious consequences if the whites had not eventually secured control of the government.

The lax election laws, framed indeed for the benefit of the party in power, gave the radicals ample opportunity to control the negro vote. The elections were frequently corrupt, though not a great deal of money was spent in bribery. It was found less expensive to use other methods of getting out the vote. The negroes were generally

<sup>1</sup> See pages 243-64.

<sup>2</sup> Among the bloodiest conflicts were those in Louisiana at Colfax, Coushatta, and New Orleans in 1873-74, and at Vicksburg and Clinton, Mississippi, in 1874-75.

made to understand that the Democrats wanted to put them back into slavery, but sometimes the leaders deemed it wiser to state more concretely that "Jeff Davis had come to Montgomery and is ready to organize the Confederacy again" if the Democrats should win; or to say that "if Carter is elected, he will not allow your wives and daughters to wear hoopskirts." In Alabama many thousand pounds of bacon and hams were sent in to be distributed among "flood sufferers" in a region which had not been flooded since the days of Noah. The negroes were told that they must vote right and receive enough bacon for a year, or "lose their rights" if they voted wrongly. Ballot-box stuffing developed into an art, and each negro was carefully inspected to see that he had the right kind of ticket before he was marched to the polls.

The inspection and counting of election returns were in the hands of the county and state boards, which were controlled by the governor, and which had authority to throw out or count in any number of votes. On the assumption that the radicals were entitled to all negro votes, the returning boards followed the census figures for the black population in order to arrive at the minimum radical vote. The action of the returning boards

was specially flagrant in Louisiana and Florida and in the black counties of South Carolina.

Notwithstanding the fact that the very best arrangements had been made at Washington and in the States for the running of the radical machine, everywhere there were factional fights from the beginning. Usually the scalawags declared hostilities after they found that the carpetbaggers had control of the negroes and the inside track on the way to the best state and federal offices. Later, after the scalawags had for the most part left the radicals, there were contests among the carpetbaggers themselves for the control of the negro vote and the distribution of spoils. The defeated faction usually joined the Democrats. In Arkansas a split started in 1869 which by 1872 resulted in two state governments. Alabama in 1872 and Louisiana in 1874-75 each had two rival governments. This factionalism contributed largely to the overthrow of the radicals.

The radical structure, however, was still powerfully supported from without. Relations between the Federal Government and the state governments in the South were close, and the policy at Washington was frequently determined by conditions in the South. President Grant, though at

first considerate, was usually consistently radical in his Southern policy. This attitude is difficult to explain except by saying that Grant fell under the control of radical advisers after his break with Johnson, that his military instincts were offended by opposition in the South which his advisers told him was rebellious, and that he was impressed by the need of holding the Southern radical vote against the inroads of the Democrats. After about 1869 Grant never really understood the conditions in the South. He was content to control by means of Federal troops and thousands of deputy marshals. For this policy the Ku Klux activities gave sufficient excuse for a time, and the continued story of "rebel outrages" was always available to justify a call for soldiers or deputies. The enforcement legislation gave the color of law to any interference which was deemed necessary.

Federal troops served other ends than the mere preservation of order and the support of the radical state governments. They were used on occasion to decide between opposing factions and to oust conservatives who had forced their way into office. The army officers purged the Legislature of Georgia in 1870, that of Alabama in 1872, and that of Louisiana in 1875. In 1875 the city government

of Vicksburg and the state government of Louisiana were overturned by the whites, but General Sheridan at once intervened to put back the negroes and carpetbaggers. He suggested to President Grant that the conservatives be declared "banditti" and he would make himself responsible for the rest. As soon as a State showed signs of going over to the Democrats or an important election was lost by the radicals, one House or the other of Congress in many instances sent an investigation committee to ascertain the reasons. The Committees on the Condition of the South or on the Late Insurrectionary States were nearly always ready with reports to establish the necessity of intervention.

Besides the army there was in every State a powerful group of Federal officials who formed a "ring" for the direction of all good radicals. These marshals, deputies, postmasters, district attorneys, and customhouse officials were in close touch with Washington and frequently dictated nominations and platforms. At New Orleans the officials acted as a committee on credentials and held all the state conventions under their control in the customhouse.

Such was the machinery used to sustain a party



which, with the gradual defection of the whites, became throughout the South almost uniformly black. At first few negroes asked for offices, but soon the carpetbaggers found it necessary to divide with the rapidly growing number of negro politicians. No negro was elected governor, though several reached the office of lieutenant governor, secretary of state, auditor, superintendent of education, justice of the state supreme court, and fifteen were elected to Congress.<sup>1</sup> It would not be correct to say that the negro race was malicious or on evil bent. Unless deliberately stirred up by white leaders, few negroes showed signs of mean spirit. Few even made exorbitant demands. They wanted "something" — schools and freedom and "something else," they knew not what. Deprived of the leadership of the best whites, they could not possibly act with the scalawags — their traditional enemies. Nothing was left for them but to follow the carpetbagger.

<sup>1</sup> Revels, Lynch, and Bruce represent the better negro officeholders; Pinchback, Rainey, and Nash, the less respectable ones; and below these were the rascals whose ambition was to equal their white preceptors in corruption.

## CHAPTER XI

### THE KU KLUX MOVEMENT

THE Ku Klux movement, which took the form of secret revolutionary societies, grew out of a general conviction among the whites that the reconstruction policies were impossible and not to be endured. Somers, an English traveler, says that at this time "nearly every respectable white man in the Southern States was not only disfranchised but under fear of arrest or confiscation; the old foundations of authority were utterly razed before any new ones had yet been laid, and in the dark and benighted interval the remains of the Confederate armies — swept after a long and heroic day of fair fight from the field — flitted before the eyes of the people in this weird and midnight shape of a Ku Klux Klan." Ryland Randolph, an Alabama editor who was also an official of the Klan, stated in his paper that "the origin of Ku Klux Klan is in the galling despotism that broods like a night-mare

over these Southern States — a fungus growth of military tyranny superinduced by the fostering of Loyal Leagues, the abrogation of our civil laws, the habitual violation of our national Constitution, and a persistent prostitution of all government, all resources and all powers, to degrade the white man by the establishment of negro supremacy.”

The secret orders, regardless of their original purposes, were all finally to be found opposing radical reconstruction. Everywhere their objects were the same: to recover for the white race their former control of society and government, and to destroy the baneful influence of the alien among the blacks. The people of the South were by law helpless to take steps towards setting up any kind of government in a land infested by a vicious element — Federal and Confederate deserters, bushwhackers, outlaws of every description, and negroes, some of whom proved insolent and violent in their newly found freedom. Nowhere was property or person safe, and for a time many feared a negro insurrection. General Hardee said to his neighbors, “I advise you to get ready for what may come. We are standing over a sleeping volcano.”

To cope with this situation ante-bellum patrols

— the “patter-rollers” as the negroes called them — were often secretly reorganized. In each community for several months after the Civil War, and in many of them for months before the end of the war, there were informal vigilance committees. Some of these had such names as the Black Cavalry and Men of Justice in Alabama, the Home Guards in many other places, while the anti-Confederate societies of the war, the Heroes of America, the Red Strings, and the Peace Societies, transformed themselves in certain localities into regulatory bodies. Later these secret societies numbered scores, perhaps hundreds, varying from small bodies of local police to great federated bodies which covered almost the entire South and even had membership in the North and West. Other important organizations were the Constitutional Union Guards, the Pale Faces, the White Brotherhood, the Council of Safety, the '76 Association, the Sons of '76, the Order of the White Rose, and the White Boys. As the fight against reconstruction became bolder, the orders threw off their disguises and appeared openly as armed whites fighting for the control of society. The White League of Louisiana, the White Line of Mississippi, the White Man's party of Alabama, and the Rifle

Clubs of South Carolina, were later manifestations of the general Ku Klux movement.

The two largest secret orders, however, were the Ku Klux Klan, from which the movement took its name, and the Knights of the White Camelia. The Ku Klux Klan originated at Pulaski, Tennessee, in the autumn of 1865, as a local organization for social purposes. The founders were young Confederates, united for fun and mischief. The name was an accidental corruption of the Greek word *Kuklos*, a circle. The officers adopted queer sounding titles and strange disguises. Weird night riders in ghostly attire thoroughly frightened the superstitious negroes, who were told that the spirits of dead Confederates were abroad. This terrorizing of the blacks successfully provided the amusement which the founders desired and there were many applications for admission to the society. The Pulaski Club, or Den, was in the habit of parading in full uniform at social gatherings of the whites at night, much to the delight of the small boys and girls. Pulaski was near the Alabama line, and many of the young men of Alabama who saw these parades or heard of them organized similar Dens in the towns of Northern Alabama. Nothing but horseplay, however, took place at the

meetings. In 1867 and 1868 the order appeared in parade in the towns of the adjoining States and, as we are told, "cut up curious gyrations" on the public squares.

There was a general belief outside the order that there was a purpose behind all the ceremonial and frolic of the Dens; many joined the order convinced that its object was serious; others saw the possibilities of using it as a means of terrorizing the negroes. After men discovered the power of the Klan over the negroes, indeed, they were generally inclined, owing to the disordered conditions of the time, to act as a sort of police patrol and to hold in check the thieving negroes, the Union League, and the "loyalists." In this way, from being merely a number of social clubs the Dens swiftly became bands of regulators, taking on many new fantastic qualities along with their new seriousness of purpose. Some of the more ardent spirits led the Dens far in the direction of violence and outrage. Attempts were made by the parent Den at Pulaski to regulate the conduct of the others, but, owing to the loose organization, the effort met with little success. Some of the Dens, indeed, lost all connection with the original order.

A general organization of these societies was

perfected at a convention held in Nashville in May, 1867, just as the Reconstruction Acts were being put into operation. A constitution called the *Prescript* was adopted which provided for a national organization. The former slave States, except Delaware, constituted the Empire, which was ruled by the Grand Wizard (then General Forrest) with a staff of ten Genii; each State was a realm under a Grand Dragon and eight Hydras; the next subdivision was a Dominion, consisting of several counties, ruled by a Grand Titan and six Furies; the county or Province was governed by a Grand Giant and four Goblins; the unit was the Den or community organization, of which there might be several in each county, each under a Grand Cyclops and two Nighthawks. The Genii, Hydras, Furies, Goblins, and Nighthawks were staff officers. The private members were called Ghouls. The order had no name, and at first was designated by two stars (\*\*), later by three (\*\*\*). Sometimes it was called the Invisible Empire of Ku Klux Klan.

Any white man over eighteen might be admitted to the Den after nomination by a member and strict investigation by a committee. The oath demanded obedience and secrecy. The Dens governed themselves by the ordinary rules of



deliberative bodies. The punishment for betrayal of secrecy was "the extreme penalty of the Law." None of the secrets was to be written, and there was a "Register" of alarming adjectives, such as terrible, horrible, furious, doleful, bloody, appalling, frightful, gloomy, which was used as a cipher code in dating the odd Ku Klux orders.

The general objects of the order were thus set forth in the revised *Prescript*: first, to protect the weak, the innocent, and the defenseless from the indignities, wrongs, and outrages of the lawless, the violent, and the brutal; to relieve the injured and oppressed; to succor the suffering and unfortunate, and especially the widows and orphans of Confederate soldiers; second, to protect and defend the Constitution of the United States and all laws passed in conformity thereto, and to protect the States and people thereof from all invasion from any source whatever; third, to aid and assist in the execution of all "constitutional" laws, and to protect the people from unlawful arrest, and from trial except by their peers according to the laws of the land. But the tests for admission gave further indication of the objects of the order. No Republican, no Union Leaguer, and no member of the G. A. R. might become a member. The members

were pledged to oppose negro equality of any kind, to favor emancipation of the Southern whites and the restoration of their rights, and to maintain constitutional government and equitable laws.

Prominent men testified that the order became popular because the whites felt that they were persecuted and that there was no legal protection, no respectable government. General (later Senator) Pettus said that through all the workings of the Federal Government ran the principle that "we are an inferior, degraded people and not fit to be trusted." General Clanton of Alabama further explained that "there is not a respectable white woman in the Negro Belt of Alabama who will trust herself outside of her house without some protector. . . . So far as our State Government is concerned, we are in the hands of camp-followers, horse-holders, cooks, bottle-washers, and thieves. . . . We have passed out from the hands of the brave soldiers who overcame us, and are turned over to the tender mercies of squaws for torture. . . . I see negro police — great black fellows — leading white girls around the streets of Montgomery, and locking them up in jails."

The Klan first came into general prominence in 1868 with the report of the Federal commanders in

the South concerning its activities. Soon after that date the order spread through the white counties of the South, in many places absorbing the White Brotherhood, the Pale Faces, and some other local organizations which had been formed in the upper part of the Black Belt. But it was not alone in the field. The order known as the Knights of the White Camelia, founded in Louisiana in 1867 and formally organized in 1868, spread rapidly over the lower South until it reached the territory occupied by the Ku Klux Klan. It was mainly a Black Belt order, and on the whole had a more substantial and more conservative membership than the other large secret bodies. Like the Ku Klux Klan, it also absorbed several minor local societies.

The White Camelia had a national organization with headquarters in New Orleans. Its business was conducted by a Supreme Council of the United States, with Grand, Central, and Subordinate Councils for each State, county, and community. All communication within the order took place by passwords and cipher; the organization and the officers were similar to those of the Ku Klux Klan; and all officers were designated by initials. An ex-member states that "during the three years of its existence here [Perry County, Alabama] I believe

its organization and discipline were as perfect as human ingenuity could have made it." The fundamental object of the White Camelia was the "maintenance of the supremacy of the white race," and to this end the members were constrained "to observe a marked distinction between the races" and to restrain the "African race to that condition of social and political inferiority for which God has destined it." The members were pledged to vote only for whites, to oppose negro equality in all things, but to respect the legitimate rights of negroes.

The smaller orders were similar in purpose and organization to the Ku Klux Klan and the White Camelia. Most of them joined or were affiliated with the large societies. Probably a majority of the men of the South were associated at some time during this period with these revolutionary bodies. As a rule the politicians, though approving, held aloof. Public opinion generally supported the movement so long as the radicals made serious attempts to carry out the reconstruction policies.

The task before the secret orders was to regulate the conduct of the blacks and their leaders in order that honor, life, and property might be secure. They planned to accomplish this aim by playing

upon the fears, superstitions, and cowardice of the black race — in a word, by creating a white terror to counteract the black one. To this end they made use of strange disguises, mysterious and fearful conversation, midnight rides and drills, and silent parades. As long as secrecy and mystery were to be effective in dealing with the negroes, costume was an important matter. These disguises varied with the locality and often with the individual. High cardboard hats, covered with white cloth often decorated with stars or pictures of animals, white masks with holes cut for eyes, nose and mouth bound with red braid to give a horrible appearance, and frequently a long tongue of red flannel so fixed that it could be moved with the wearer's tongue, and a long white robe — these made up a costume which served at the same time as a disguise and as a means of impressing the impressionable negro. Horses were covered with sheets or white cloth held on by the saddle and by belts, and sometimes the animals were even painted. Skulls of sheep and cattle, and even of human beings were often carried on the saddlebows to add another element of terror. A framework was sometimes made to fit the shoulders of a Ghoul which caused him to appear twelve feet high. A

skeleton wooden hand at the end of a stick served to greet terrified negroes at midnight. For safety every man carried a small whistle and a brace of pistols.

The trembling negro who ran into a gathering of the Ku Klux on his return from a Loyal League meeting was informed that the white-robed figures he saw were the spirits of the Confederate dead killed at Chickamauga or Shiloh, now unable to rest in their graves because of the conduct of the negroes. He was told in a sepulchral voice of the necessity for his remaining more at home and taking a less active part in predatory excursions abroad. In the middle of the night a sleeping negro might wake to find his house surrounded by a ghostly company, or to see several terrifying figures standing by his bedside. They were, they said, the ghosts of men whom he had formerly known. They had scratched through from Hell to warn the negroes of the consequences of their misconduct. Hell was a dry and thirsty land; and they asked him for water. Bucket after bucket of water disappeared into a sack of leather, rawhide, or rubber, concealed within the flowing robe. The story is told of one of these night travelers who called at the cabin of a radical negro in Attakapas

County, Louisiana. After drinking three buckets of water to the great astonishment of the darky, the traveler thanked him and told him that he had traveled nearly a thousand miles within twenty-four hours, and that that was the best water he had tasted since he was killed at the battle of Shiloh. The negro dropped the bucket, overturned chairs and table in making his escape through the window, and was never again seen or heard of by residents of that community. Another incident is told of a parade in Pulaski, Tennessee: "While the procession was passing a corner on which a negro man was standing, a tall horseman in hideous garb turned aside from the line, dismounted and stretched out his bridle rein toward the negro, as if he desired him to hold his horse. Not daring to refuse, the frightened African extended his hand to grasp the rein. As he did so, the Ku Klux took his own head from his shoulders and offered to place that also in the outstretched hand. The negro stood not upon the order of his going, but departed with a yell of terror. To this day he will tell you: 'He done it, suah, boss. I seed him do it.'"

It was seldom necessary at this early stage to use violence, for the black population was in an ecstasy of fear. A silent host of white-sheeted horsemen



parading the country roads at night was sufficient to reduce the blacks to good behavior for weeks or months. One silent Ghoul posted near a meeting place of the League would be the cause of the immediate dissolution of that club. Cow bones in a sack were rattled within earshot of the terrified negroes. A horrible being, fifteen feet tall, walking through the night toward a place of congregation, was very likely to find that every one had vacated the place before he arrived. A few figures wrapped in sheets and sitting on tombstones in a graveyard near which negroes were accustomed to pass would serve to keep the immediate community quiet for weeks and give the locality a reputation for "hants" which lasted long.

To prevent detection on parade, members of the Klan often stayed out of the parade in their own town and were to be seen freely and conspicuously mingling with the spectators. A man who believed that he knew every horse in the vicinity and was sure that he would be able to identify the riders by their horses was greatly surprised upon lifting the disguise of the horse nearest him to find the animal upon which he himself had ridden into town a short while before. The parades were always silent and so arranged as to give the impression of very large

numbers. In the regular drills which were held in town and country the men showed that they had not forgotten their training in the Confederate army. There were no commands save in a very low tone or in a mysterious language, and usually only signs or whistle signals were used.

Such pacific methods were successful to a considerable degree until the carpetbaggers and scalawags were placed in office under the Reconstruction Acts. Then more violent methods were necessary. The Klans patrolled disturbed communities, visited, warned, and frightened obnoxious individuals, whipped some, and even hanged others. Until forbidden by law or military order, the newspapers were accustomed to print the mysterious proclamations of the Ku Klux. The following, which was circulated in Montgomery, Alabama, in April, 1868, is a typical specimen:

K. K. K.

Clan of Vega.

HDQR'S K. K. K. HOSPITALLERS.

Vega Clan, New Moon,

3rd Month, Anno K. K. K. 1.

ORDER No. K. K.

Clansmen — Meet at the Trysting Spot when Orion Kisses the Zenith. The doom of treason is Death. *Dies Iræ*. The wolf is on his walk — the serpent coils

to strike. Action! Action!! Action!!! By midnight and the Tomb; by Sword and Torch and the Sacred Oath at Forrester's Altar, I bid you come! The clansmen of Glen Iran and Alpine will greet you at the new-made grave.

*Remember the Ides of April.*

By command of the Grand D. I. H.

Cheg. V.

The work of the secret orders was successful. As bodies of vigilantes, the Klans and the Councils regulated the conduct of bad negroes, punished criminals who were not punished by the State, looked after the activities and teachings of Northern preachers and teachers, dispersed hostile gatherings of negroes, and ran out of the community the worst of the reconstructionist officials. They kept the negroes quiet and freed them to some extent from the influence of evil leaders. The burning of houses, gins, mills, and stores ceased; property became more secure; people slept safely at night; women and children walked abroad in security; the incendiary agents who had worked among the negroes left the country; agitators, political, educational, and religious, became more moderate; "bad niggers" ceased to be bad; labor became less disorganized; the carpetbaggers and scalawags ceased to batten on the Southern communities. It was

not so much a revolution as the defeat of a revolution. Society was replaced in the old historic grooves from which war and reconstruction had jarred it.

Successful as was the Ku Klux movement in these respects, it had at the same time many harmful results. Too often local orders fell under the control of reckless or lawless men and the Klan was then used as a cloak to cover violence and thievery; family and personal feuds were carried into the orders and fought out; and anti-negro feeling in many places found expression in activities designed to drive the blacks from the country. It was easy for any outlaw to hide himself behind the protection of a secret order. So numerous did these men become that after 1868 there was a general exodus of the leading reputable members, and in 1869 the formal disbanding of the Klan was proclaimed by General Forrest, the Grand Wizard. The White Camelia and other orders also gradually went out of existence. Numerous attempts were made to suppress the secret movement by the military commanders, the state governments, and finally by Congress, but none of these was entirely successful, for in each community the secret opposition lasted as long as it was needed.

The political effects of the orders, however, survived their organized existence. Some of the Southern States began to go Democratic in spite of the Reconstruction Acts and the Amendments, and there was little doubt that the Ku Klux movement had aided in this change. In order to preserve the achievements of radical reconstruction Congress passed, in 1870 and 1871, the enforcement acts which had been under debate for nearly two years. The first act (May 31, 1870) was designed to protect the negro's right to vote and was directed at individuals as well as against States. Section six, indeed, was aimed specifically at the Ku Klux Klan. This act was a long step in the direction of giving the Federal Government control over state elections. But as North Carolina went wholly and Alabama partially Democratic in 1870, a Supplementary Act (February 28, 1871) went further and placed the elections for members of Congress completely under Federal control, and also authorized the use of thousands of deputy marshals at elections. As the campaign of 1872 drew near, Grant and his advisers became solicitous to hold all the Southern States which had not been regained by the Democrats. Accordingly, on March 23, 1871, the President sent a message to Congress declaring

that in some of the States the laws could not be enforced and asked for remedial legislation. Congress responded with an act (April 20, 1871), commonly called the "Ku Klux Act," which gave the President despotic military power to uphold the remaining negro governments and authorized him to declare a state of war when he considered it necessary. Of this power Grant made use in only one instance. In October, 1871, he declared nine counties of South Carolina in rebellion and put them under martial law.

During the ten years following 1870, several thousand arrests were made under the enforcement acts and about 1250 convictions were secured, principally in Mississippi, North Carolina, South Carolina, and Tennessee. Most of these violations of election laws, however, had nothing to do with the Ku Klux movement, for by 1870 the better class of members had withdrawn from the secret orders. But though the enforcement acts checked these irregularities to a considerable extent, they nevertheless failed to hold the South for the radicals and essential parts of them were declared unconstitutional a few years later.

In order to justify the passage of the enforcement acts and to obtain campaign material for use

in 1872, Congress appointed a committee, organized on the very day when the Ku Klux Act was approved, to investigate conditions in the Southern States. From June to August, 1871, the committee took testimony in Washington, and in the fall subcommittees visited several Southern States. Tennessee, Virginia, Arkansas, Louisiana, and Texas were, however, omitted from the investigation. Notwithstanding the partisan purpose and methods of the investigation, the report of the committee and the accompanying testimony constituted a Democratic rather than a Republican document. It is a veritable mine of information about the South between 1865 and 1871. The Democratic minority members made skillful use of their opportunity to expose conditions in the South. They were less concerned to meet the charges made against the Ku Klux Klan than to show why such movements came about. The Republicans, concerned mainly about material for the presidential campaign, neglected the broader phases of the situation.

Opposition to the effects of reconstruction did not come to an end with the dissolution of the more famous orders. On the contrary, it now became public and open and resulted in the organization,



after 1872, of the White League, the Mississippi Shot Gun Plan, the White Man's Party in Alabama, and the Rifle Clubs in South Carolina. The later movements were distinctly but cautiously anti-negro. There was most irritation in the white counties where there were large numbers of negroes. Negro schools and churches were burned because they served as meeting places for negro political organizations. The color line began to be more and more sharply drawn. Social and business ostracism continued to be employed against white radicals, while the negroes were discharged from employment or were driven from their rented farms.

The Ku Klux movement, it is to be noted in retrospect, originated as an effort to restore order in the war-stricken Southern States. The secrecy of its methods appealed to the imagination and caused its rapid expansion, and this secrecy was inevitable because opposition to reconstruction was not lawful. As the reconstruction policies were put into operation, the movement became political and used violence when appeals to superstitious fears ceased to be effective. The Ku Klux Klan centered, directed, and crystallized public opinion, and united the whites upon a platform of white

supremacy. The Southern politicians stood aloof from the movement but accepted the results of its work. It frightened the negroes and bad whites into better conduct, and it encouraged the conservatives and aided them to regain control of society, for without the operations of the Klan the black districts would never have come again under white control. Towards the end, however, its methods frequently became unnecessarily violent and did great harm to Southern society. The Ku Klux system of regulating society is as old as history; it had often been used before; it may even be used again. When a people find themselves persecuted by aliens under legal forms, they will invent some means outside the law for protecting themselves; and such experiences will inevitably result in a weakening of respect for law and in a return to more primitive methods of justice.

## CHAPTER XII

### THE CHANGING SOUTH

"THE bottom rail is on top" was a phrase which had flashed throughout the late Confederate States. It had been coined by the negroes in 1867 to express their view of the situation, but its aptness had been recognized by all. After ten years of social and economic revolution, however, it was not so clear that the phrase of 1867 correctly described the new situation. "The white man made free" would have been a more accurate epitome, for the white man had been able, in spite of his temporary disabilities, to compete with the negro in all industries.

It will be remembered that the negro districts were least exposed to the destruction of war. The well-managed plantation, lying near the highways of commerce, with its division of labor, nearly or quite self-sufficing, was the bulwark of the Confederacy. When the fighting ended, an industrial revolution began in these untouched parts of the

Black Belt. The problem of free negro labor now appeared. During the year 1865 no general plan for a labor system was formulated except by the Freedmen's Bureau. That, however, was not a success. There were all sorts of makeshifts, such as cash wages, deferred wages, coöperation, even sharing of expense and product, and contracts, either oral or written.

The employers showed a disposition to treat the negro family as a unit in making contracts for labor, wages, food, clothes, and care.<sup>1</sup> In general these early arrangements were made to transform slavery with its mutual duties and obligations into a free labor system with wages and "privileges." The "privileges" of slavery could not be destroyed; in fact, they have never yet been destroyed in numerous places. Curious demands were made by the negroes: here, farm bells must not ring; there, overseers or managers must be done away with; in some places plantation courts were to settle matters of work, rent, and conduct; elsewhere, agreements were made that on Saturday the laborer

<sup>1</sup> J. D. B. De Bow, the economist, testified before the Joint Committee on Reconstruction that, if the negro would work, free labor would be better for the planters than slave labor. He called attention to the fact, however, that negro women showed a desire to avoid field labor, and there is also evidence to show that they objected to domestic service and other menial work.

should be permitted to go to town and, perhaps, ride a mule or horse. In South Carolina the Sea Island negroes demanded that in laying out work the old "tasks" or "stints" of slavery days be retained as the standard. The farming districts at the edge of the Black Belt, where the races were about equal in numbers, already had a kind of "share system," and in these sections the economic chaos after the war was not so complete. The former owners worked in the field with their ex-slaves and thus provided steady employment for many. Farms were rented for a fixed sum of money, or for a part of the crop, or on "shares."

The white districts, which had previously fought a losing competition with the efficiently managed and inexpensive slave labor of the Black Belt, were affected most disastrously by war and its aftermath. They were distant from transportation lines and markets; they employed poor farming methods; they had no fertilizers; they raised no staple crops on their infertile land; and in addition they now had to face the destitution that follows fighting. Yet these regions had formerly been almost self-supporting, although the farms were small and no elaborate labor system had been developed.

In the planting districts where the owner was land-poor he made an attempt to bring in Northern capital and Northern or foreign labor. In the belief that the negroes would work better for a Northern man, every planter who could do so secured a Northern partner or manager, frequently a soldier. Nevertheless these imported managers nearly always failed because they did not understand cotton, rice, or sugar planting, and because they were either too severe or too easy upon the blacks.

No Northern labor was to be had, and the South could not retain even all its own native whites. Union soldiers and others seeking to better their prospects moved west and northwest to fill the newly opened lands, while the Confederates, kept out of the homestead region by the test oath, swarmed into Texas, which owned its own public lands, or went North to other occupations. Nor could the desperate planters hire foreign immigrants. Several States, among them South Carolina, Alabama, and Louisiana, advertised for laborers and established labor bureaus, but without avail. The negro politicians in 1867 declared themselves opposed to all movements to foster immigration. So in the Black Belt the negro had, for forty years, a monopoly of farm labor.

The share system of tenantry, with its attendant evils of credit and crop lien, was soon established in the Southern States, mainly in the Black Belt, but to some extent also in the white districts. The landlord furnished land, house, fuel, water, and all or a part of the seed, fertilizer, farm implements, and farm animals. In return he received a "half," or a "third and fourth," his share depending upon how much he had furnished. The best class of tenants would rent for cash or a fixed rental, the poorest laborers would work for wages only.

The "privileges" brought over from slavery, which were included in the share renting, astonished outside observers. To the laborer was usually given a house, a water supply, wood for fuel, pasture for pigs or cows, a "patch" for vegetables and fruit, and the right to hunt and fish. These were all that some needed in order to live. Somers, the English traveler already quoted, pronounced this generous custom "outrageously absurd," for the negroes had so many privileges that they refused to make use of their opportunities. "The soul is often crushed out of labor by penury and oppression," he said, "but here a soul cannot begin to be infused into it through the sheer excess of privilege and license with which it is surrounded."



The credit system which was developed beside the share system made a bad condition worse. On the 1st of January a planter could mortgage his future crop to a merchant or landlord in exchange for subsistence until the harvest. Since, as a rule, neither tenant nor landlord had any surplus funds, the latter would be supplied by the banker or banker merchant, who would then dictate the crops to be planted and the time of sale. As a result of these conditions, the planter or farmer was held to staple crops, high prices for necessities, high interest rate, and frequently unfair bookkeeping. The system was excellent for a thrifty, industrious, and intelligent man, for it enabled him to get a start. It worked to the advantage of a bankrupt landlord, who could in this way get banking facilities. But it had a mischievous effect upon the average tenant, who had too small a share of the crop to feel a strong sense of responsibility as well as too many "privileges" and too little supervision to make him anxious to produce the best results.

The negroes entered into their freedom with several advantages: they were trained to labor; they were occupying the most fertile soil and could purchase land at low prices; the tenant system was

most liberal; cotton, sugar, and rice were bringing high prices; and access to markets was easy. In the white districts land was cheap, and prices of commodities were high, but otherwise the negroes seemed to have the better position. Yet as early as 1870, keen observers called attention to the fact that the hill and mountain whites were thriving as compared with their former condition, and that the negroes were no longer their serious competitors. In the white districts better methods were coming into use, labor was steady, fertilizers were used, and conditions of transportation were improving. The whites were also encroaching on the Black Belt; they were opening new lands in the Southwest; and within the border of the Black Belt they were bringing negro labor under some control. In the South Carolina rice lands, crowds of Irish were imported to do the ditching which the negroes refused to do and were carried back North when the job was finished.<sup>1</sup> President Thach

<sup>1</sup>The Census of 1880 gave proof of the superiority of the whites in cotton production. For purposes of comparison the cotton area may be divided into three regions: first, the Black Belt, in which the farmers were black, the soil fertile, the plantations large, the credit evil at its worst, and the yield of cotton per acre the least; second, the white districts, where the soil was the poorest, the farms small, the workers nearly all white, and the yield per acre better than on the fertile Black Belt lands; third, the regions in which the races were nearly equal in

of the Alabama Agricultural College has thus described the situation:

By the use of commercial fertilizers, vast regions once considered barren have been brought into profitable cultivation, and really afford a more reliable and constant crop than the rich alluvial lands of the old slave plantations. In nearly every agricultural county in the South there is to be observed, on the one hand, this section of fertile soils, once the heart of the old civilization, now abandoned by the whites, held in tenantry by a dense negro population, full of dilapidation and ruin; while on the other hand, there is the region of light, thin soils, occupied by the small white freeholder, filled with schools, churches, and good roads, and all the elements of a happy, enlightened country life.

All the systems devised for handling negro labor proved to be only partially successful. The laborer was migratory, wanted easy work, with one or two holidays a week, and the privilege of attending political meetings, camp meetings, and circuses. A thrifty negro could not make headway because his fellows stole from him or his less energetic relations and friends visited him and ate up

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numbers or where the whites were in a slight majority, with soil of medium fertility, good methods of agriculture, and, owing to better controlled labor, the best yield. In other words, negroes, fertile soil, and poor crops went together; and on the other hand the whites got better crops on less fertile soil. The Black Belt has never again reached the level of production it had in 1860. But the white district kept improving slowly.

his substance. One Alabama planter declared that he could not raise a turkey, a chicken, a hog, or a cow; and another asserted that "a hog has no more chance to live among these thieving negro farmers than a June bug in a gang of puddle ducks." Lands were mortgaged to the supply houses in the towns, the whites gradually deserted the country, and many rice and cotton fields grew up in weeds. Crop stealing at night became a business which no legislation could ever completely stop.

A traveler has left the following description of "a model negro farm" in 1874. The farmer purchased an old mule on credit and rented land on shares or for so many bales of cotton; any old tools were used; corn, bacon, and other supplies were bought on credit, and a crop lien was given; a month later, corn and cotton were planted on soil that was not well broken up; the negro "would not pay for no guano" to put on other people's land; by turns the farmer planted and fished, plowed and hunted, hoed and frolicked, or went to "meeting." At the end of the year he sold his cotton, paid part of his rent and some of his debt, returned the mule to its owner, and sang:

Nigger work hard all de year,  
White man tote de money.

The great landholdings did not break up into small farms as was predicted, though sales were frequent and in 1865 enormous amounts of land were put on the market. After 1867, additional millions of acres were offered at small prices, and tax and mortgage sales were numerous. The result of these operations, however, was a change of landlords rather than a breaking up of large plantations. New men, negroes, merchants, and Jews became landowners. The number of small farms naturally increased but so in some instances did the land concentrated into large holdings.

It was inevitable that conditions of negro life should undergo a revolutionary change during the reconstruction. The serious matter of looking out for himself and his family and of making a living dampened the negro's cheerful spirits. Released from the discipline of slavery and often misdirected by the worst of teachers, the negro race naturally ran into excesses of petty criminality. Even under the reconstruction governments the proportion of negro to white criminals was about ten to one. Theft was frequent; arson was the accepted means of revenge on white people; and murder became common in the brawls of the city negro quarters. The laxness of the marriage relation worked special

hardship on the women and children in so many cases deserted by the head of the family.

Out of the social anarchy of reconstruction the negroes emerged with numerous organizations of their own which may have been imitations of the Union League, the Lincoln Brotherhood, and the various church organizations. These societies were composed entirely of blacks and have continued with prolific reproduction to the present day. They were characterized by high names, gorgeous regalia, and frequent parades. "The Brothers and Sisters of Pleasure and Prosperity" and the "United Order of African Ladies and Gentlemen" played a large, and on the whole useful, part in negro social life, teaching lessons of thrift, insurance, coöperation, and mutual aid.

The reconstructionists were not able in 1867-68 to carry through Congress any provision for the social equality of the races, but in the reconstructed States the equal rights issue was alive throughout the period. Legislation giving to the negro equal rights in hotels, places of amusements, and common carriers, was first enacted in Louisiana and South Carolina. Frequently the carpetbaggers brought up the issue in order to rid the radical ranks of the scalawags who were opposed to equal

rights. In Florida, for example, the carpetbaggers framed a comprehensive Equal Rights Law, passed it, and presented it to Governor Reed, who was known to be opposed to such legislation. He vetoed the measure and thus lost the negro support. Intermarriage with whites was made legal in Louisiana and South Carolina and by court decision was permitted in Alabama and Mississippi, but the Georgia Supreme Court held it to be illegal. Mixed marriages were few, but these were made occasions of exultation over the whites and of consequent ill feeling.

Charles Sumner was a persistent agitator for equal rights. In 1871 he declared in a letter to a South Carolina negro convention that the race must insist not only upon equality in hotels and on public carriers but also in the schools. "It is not enough," he said, "to provide separate accommodations for colored citizens even if in all respects as good as those of other persons. . . . The discrimination is an insult and a hindrance, and a bar, which not only destroys comfort and prevents equality, but weakens all other rights. The right to vote will have new security when your equal right in public conveyances, hotels, and common schools, is at last established; but here you must



insist for yourselves by speech, petition, and by vote." The Southern whites began to develop the "Jim Crow" theory of "separate but equal" accommodations. Senator Hill of Georgia, for example, thought that hotels might have separate divisions for the two races, and he cited the division in the churches as proof that the negro wanted separation.

About 1874 it was plain that the last radical Congress was nearly ready to enact social equality legislation. This fact turned many of the Southern Unionist class back to the Democratic party, there to remain for a long time. In 1875, as a sort of memorial to Sumner, Congress passed the Civil Rights Act, which gave to negroes equal rights in hotels, places of amusement, on public carriers, and on juries. Some Democratic leaders were willing to see such legislation enacted, because in the first place, it would have little effect except in the Border and Northern States, where it would turn thousands into the Democratic fold, and in the second place, because they were sure that in time the Supreme Court would declare the law unconstitutional. And so it happened.

In regions where the more unprincipled radical leaders were in control, the whites lived at times in fear of negro uprisings. The negroes were armed

and insolent, and the whites were few and widely scattered. Here and there outbreaks occurred and individual whites and isolated families suffered, but as a rule all such movements were crushed with much heavier loss to the negroes than to the better organized whites. Nevertheless everlasting apprehension for the safety of women and children kept the white men nervous. General Garnett Andrews remarked about the situation in Mississippi:

I have never suffered such an amount of anguish and alarm in all my life. I have served through the whole war as a soldier in the army of Northern Virginia, and saw all of it; but I never did experience . . . the fear and alarm and sense of danger which I felt that time. And this was the universal feeling among the population, among the white people. I think that both sides were alarmed and felt uneasy. It showed itself upon the countenance of the people; it made many of them sick. Men looked haggard and pale, after undergoing this sort of thing for six weeks or a month, and I have felt when I laid [sic] down that neither myself, nor my wife and children were in safety. I expected, and honestly anticipated, and thought it highly probable, that I might be assassinated and my house set on fire at any time.

By the fires of reconstruction the whites were fused into a more homogeneous society, social as well as political. The former slaveholding class

continued to be more considerate of the negro than were the poor whites; but, as misrule went on, all classes tended to unite against the negro in politics. They were tired of reconstruction, new amendments, force bills, Federal troops — tired of being ruled as conquered provinces by the incompetent and the dishonest. Every measure aimed at the South seemed to them to mean that they were considered incorrigible and unworthy of trust, and that they were being made to suffer for the deeds of irresponsible whites. And, to make matters worse, strong opposition to proscriptive measures was called fresh rebellion. “When the Jacobins say and do low and bitter things, their charge of want of loyalty in the South because our people grumble back a little seems to me as unreasonable as the complaint of the little boy: ‘Mamma, make Bob ’have hisself. He makes mouths at me every time I hit him with my stick.’”<sup>1</sup>

Probably this burden fell heavier on the young men, who had life before them and who were growing up with diminished opportunities. Sidney Lanier, then an Alabama school-teacher, wrote to Bayard Taylor: “Perhaps you know that with us

<sup>1</sup> Usually ascribed to General D. H. Hill of North Carolina, and quoted in *The Land We Love*, vol. 1, p. 146.

of the young generation in the South, since the war pretty much the whole of life has been merely not dying." Negro and alien rule was a constant insult to the intelligence of the country. The taxpayers were nonparticipants in the affairs of government. Some people withdrew entirely from public life, went to their farms or plantations, kept away from towns and from speechmaking, waiting for the end to come. There were some who refused for several years to read the newspapers, so unpleasant was the news. The good feeling produced by the magnanimity of Grant at Appomattox was destroyed by the severity of his Southern policy when he became President. There was no gratitude for any so-called leniency of the North, no repentance for the war, no desire for humiliation, for sackcloth and ashes, and no confession of wrong. The insistence of the radicals upon obtaining a confession of depravity only made things much worse. Scarcely a measure of Congress during reconstruction was designed or received in a conciliatory spirit.

The new generation of whites was poor, bitter because of persecution, ill educated, overworked, without a bright future, and shadowed by the race problem. Though their new political leaders were

shrewd, narrow, conservative, honest, and parsimonious, the constant fighting of fire with fire scorched all. In the bitter discipline of reconstruction, the pleasantest side of Southern life came to an end. During the war and the consequent reconstruction there was a marked change in Southern temperament toward the severe. Hospitality declined; the old Southern life had never been on a business basis, but the new Southern life now adjusted itself to a stricter economy; the old individuality was partially lost; but class distinctions were less obvious in a more homogeneous society. The material evils of reconstruction may be only temporary; state debts may be paid and wasted resources renewed; but the moral and intellectual results of the revolution will be the more permanent.

## CHAPTER XIII

### RESTORATION OF HOME RULE

THE radical program of reconstruction ended after ten years in failure rather because of a change in public opinion in the North than because of the resistance of the Southern whites. The North of 1877, indeed, was not the North of 1867. A more tolerant attitude toward the South developed as the North passed through its own period of misgovernment when all the large cities were subject to "ring rule" and corruption, as in New York under "Boss" Tweed and in the District of Columbia under "Boss" Shepherd. The Federal civil service was discredited by the scandals connected with the Sanborn contracts, the Whisky Ring, and the Star Routes, while some leaders in Congress were under a cloud from the "Salary Grab" and Credit Mobilier disclosures.<sup>1</sup>

<sup>1</sup> See *The Boss and the Machine*, by Samuel P. Orth (in *The Chronicles of America*).

The marvelous material development of the North and West also drew attention away from sectional controversies. Settlers poured into the plains beyond the Mississippi and the valleys of the Far West; new industries sprang up; unsuspected mineral wealth was discovered; railroads were built. Not only bankers but taxpaying voters took an interest in the financial readjustments of the time. Many thousand people followed the discussions over the funding and refunding of the national debt, the retirement of the greenbacks, and the proposed lowering of tariff duties. Yet the Black Friday episode of 1869, when Jay Gould and James Fisk cornered the visible supply of gold, and the panic of 1873 were indications of unsound financial conditions.

These new developments and the new domestic problems which they involved all tended to divert public thought from the old political issues arising out of the war. Foreign relations, too, began to take on a new interest. The *Alabama* claims controversy with England continued to hold the public attention until finally settled by the Geneva Arbitration in 1872. President Grant, as much of an expansionist as Seward, for two years (1869-71) tried to secure Santo Domingo or a part of it for an

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American naval base in the West Indies. But the United States had race problems enough already and the Senate, led by Sumner, refused to sanction the acquisition. Relations with Spain were frequently strained on account of American filibustering expeditions to aid Cuban insurgents. Spain repeatedly charged the United States with laxness toward such violations of international law; and President Grant, seeing no other way out, recommended in 1869 and again in 1870 that the Cuban insurgents be recognized as belligerents, but still the Senate held back. The climax came in 1873, when the Spanish authorities in Cuba captured on the high seas the *Virginian*<sup>1</sup> with a filibustering expedition on board and executed fifty-three of the crew and passengers, among them eight Americans. For a time war seemed imminent, but Spain acted quickly and effected a peaceable settlement.

It became evident soon after 1867 that the issues involved in reconstruction were not in themselves sufficient to hold the North solidly Republican. Toward negro suffrage, for example, Northern public opinion was on the whole unfriendly. In 1867 the negro was permitted to vote only in New York

<sup>1</sup> See *The Path of Empire*, by Carl Russell Fish (in *The Chronicles of America*), p. 119.

and in New England, except in Connecticut. Before 1869 negro suffrage was rejected in Connecticut, Wisconsin, Kansas, Ohio, Maryland, Missouri, Michigan, and Minnesota. The Republicans in their national platform of 1868 went only so far as to say that, while negro suffrage was to be forced upon the South, it must remain a local question in the North. The Border States rapidly lined up with the white South on matters of race, church, and politics.

It was not until 1874, however, that the changing opinion was made generally effective in the elections. The skillfully managed radical organization held large majorities in every Congress from the Thirty-ninth to the Forty-third, and the electoral votes in 1868 and 1872 seemed to show that the conservation opposition was insignificant. But these figures do not tell the whole story. Even in 1864, when Lincoln won by nearly half a million, the popular vote was as eighteen to twenty-two, and four years later Grant, the most popular man in the United States, had a majority of only three hundred thousand over Seymour, and this majority and more came from the new negro voters. Four years later with about a million negro voters available and an opposition not pleased with its own

candidate, Grant's majority reached only seven hundred thousand. At no one time in elections did the North pronounce itself in favor of all the reconstruction policies. The break, signs of which were visible as early as 1869, came in 1874 when the Republicans lost control of the House of Representatives.

Strength was given to the opposition because of the dissatisfaction with President Grant, who knew little about politics and politicians. He felt that his Cabinet should be made up of personal friends, not of strong advisers, and that the military ideal of administration was the proper one. He was faithful but indiscriminating in his friendships and frequently chose as his associates men of vulgar tastes and low motives; and he showed a naïve love of money and an undisguised admiration for rich men such as Gould and Fisk. His appointees were often incompetent friends or relatives, and his cynical attitude toward civil service reform lost him the support of influential men. When forced by party exigencies to select first-class men for his Cabinet, he still preferred to go for advice to practical politicians. On the Southern question he easily fell under control of the radicals, who in order to retain their influence had only to convince

his military mind that the South was again in rebellion, and who found it easy to distract public opinion from political corruption by "waving the bloody shirt." Dissatisfaction with his Administration, it is true, was confined to the intellectuals, the reformers, and the Democrats, but they were strong enough to defeat him for a second term if they could only be organized.

The Liberal Republican movement began in the West about 1869 with demands for amnesty and for reform, particularly in the civil service, and it soon spread rapidly over the North. When it became certain that the "machine" would renominate Grant, the liberal movement became an anti-Grant party. The "New Departure" Democrats gave comfort and prospect of aid to the Liberal Republicans by declaring for a constructive, forward-looking policy in place of reactionary opposition. The Liberal chiefs were led to believe that the new Democratic leaders would accept their platform and candidates in order to defeat Grant. The principal candidates for the Liberal Republican nomination were Charles Francis Adams, Lyman Trumbull, Gratz Brown, David Davis, and Horace Greeley. Adams was the strongest candidate but was jockeyed out of place and the nomination was

given to Horace Greeley, able enough as editor of the *New York Tribune* but impossible as a candidate for the presidency. The Democratic party accepted him as their candidate also, although he had been a lifelong opponent of Democratic principles and policies. But disgusted Liberals either returned to the Republican ranks or stayed away from the polls, and many Democrats did likewise. Under these circumstances the reelection of Grant was a foregone conclusion. There was certainly a potential majority against Grant, but the opposition had failed to organize, while the Republican machine was in good working order, the negroes were voting, and the Enforcement Acts proved a great aid to the Republicans in the Southern States.

One good result of the growing liberal sentiment was the passage of an Amnesty Act by Congress on May 22, 1872. By statute and by the Fourteenth Amendment, Congress had refused to recognize the complete validity of President Johnson's pardons and amnesty proclamations, and all Confederate leaders who wished to regain political rights had therefore to appeal to Congress. During the Forty-first Congress (1869-71) more than three thousand Southerners were amnestied in order that they might hold office. These, however, were

for the most part scalawags; the most respectable whites would not seek an amnesty which they could secure only by self-stultification.<sup>1</sup> It was the pressure of public opinion against white disfranchisement and the necessity for meeting the Liberal Republican arguments which caused the passage of the Act of 1872. By this act about 150,000 whites were reënf franchised, leaving out only about five hundred of the most prominent of the old régime, most of whom were never restored to citizenship. Both Robert E. Lee and Jefferson Davis died disfranchised.

How the Southern whites escaped from negro domination has often been told and may here be sketched only in outline. The first States regained

<sup>1</sup> The machinery of government and politics was all in radical hands — the carpetbaggers and scalawags, who were numerous enough to fill practically all the offices. These men were often able leaders and skillful managers, and they did not intend to surrender control; and the black race was obedient and furnished the votes. In 1868, with Virginia, Mississippi, Georgia, and Texas unrepresented, the first radical contingent in Congress from the South numbered 42, of whom 10 out of 12 senators and 26 out of 32 representatives were carpetbaggers. There were two lone conservative Congressmen. A few months later, in 1869, there were 64 radical representatives from the South, 20 senators and 44 members of the House of Representatives. In 1877 this number had dwindled to two senators and four representatives. The difference between these figures measures in some degree the extent of the undoing of reconstruction within the period of Grant's Administration.

from radicalism were those in which the negro population was small and the black vote large enough to irritate but not to dominate. Although Northern sentiment, excited by the stories of "Southern outrage," was then unfavorable, the conservatives of the South, by organizing a "white man's party" and by the use of Ku Klux methods, made a fight for social safety which they won nearly everywhere, and, in addition, they gained political control of several States — Tennessee in 1869, Virginia in 1869–1870, and North Carolina and Georgia in 1870. They almost won Louisiana in 1868 and Alabama in 1870, but the alarmed radicals came to the rescue of the situation with the Fifteenth Amendment and the Enforcement Laws of 1870–1871. With more troops and a larger number of deputy marshals it seemed that the radicals might securely hold the remaining States. Arrests of conservatives were numerous, plundering was at its height, the Federal Government was interested and was friendly to the new Southern rulers, and the carpetbaggers and scalawags feasted, troubled only by the disposition of their negro supporters to demand a share of the spoils. Although the whites made little gain from 1870 to 1874, the States already rescued became more firmly conservative;



white counties here and there in the black States voted out the radicals; a few more representatives of the whites got into Congress; and the Border States ranged themselves more solidly with the conservatives.

But while the Southern whites were becoming desperate under oppression, public opinion in the North was at last beginning to affect politics. The elections of 1874 resulted in a Democratic landslide of which the Administration was obliged to take notice. Grant now grew more responsive to criticism. In 1875 he replied to a request for troops to hold down Mississippi: "The whole public are tired out with these annual autumnal outbreaks in the South and the great majority are ready now to condemn any interference on the part of the Government." As soon as conditions in the South were better understood in the North, ready sympathy and political aid were offered by many who had hitherto acted with the radicals. The Ku Klux report as well as the newspaper writings and the books of J. S. Pike and Charles Nordhoff, both former opponents of slavery, opened the eyes of many to the evil results of negro suffrage. Some who had been considered friends of the negro, now believing that he had proven to be a political failure,

coldly abandoned him and turned their altruistic interests to other objects more likely to succeed. Many real friends of the negro were alarmed at the evils of the reconstruction and were anxious to see the corrupt political leaders deprived of further influence over the race. To others the constantly recurring Southern problem was growing stale and they desired to hear less of it. Within the Republican party in each Southern State there were serious divisions over the spoils. First it was carpet-bagger and negro against the scalawag; later, when the black leaders insisted that those who furnished the votes must have the larger share of the rewards, the fight became triangular. As a result, by 1874 the Republican party in the South was split into factions and was deserted by a large proportion of its white membership.

The conservative whites, fiercely resentful after their experiences under the enforcement laws and hopeful of Northern sympathy, now planned a supreme effort to regain their former power. Race lines were more strictly drawn; ostracism of all that was radical became the rule; the Republican party in the South, it was apparent, was doomed to be only a negro party weighed down by the scandal of bad government; the state treasuries were

bankrupt, and there was little further opportunity for plunder. These considerations had much to do with the return of scalawags to the "white man's party" and the retirement of carpetbaggers from Southern politics. There was no longer anything in it, they said; let the negro have it!

It was under these conditions that the "white man's party" carried the elections in Alabama, Arkansas, and Texas in 1874, and Mississippi in 1875. Asserting that it was a contest between civilization and barbarism, and that the whites under the radical régime had no opportunity to carry an election legally, the conservatives openly made use of every method of influencing the result that could possibly come within the radical law and they even employed many effective methods that lay outside the law. Negroes were threatened with discharge from employment and whites with tar and feathers if they voted the radical ticket; there were night-riding parties, armed and drilled "white leagues," and mysterious firing of guns and cannon at night; much plain talk assailed the ears of the radical leaders; and several bloody outbreaks occurred, principally in Louisiana and Mississippi. Louisiana had been carried by the Democrats in the fall of 1872, but the radical returning board had

reversed the election. In 1874 the whites rose in rebellion and turned out Kellogg, the usurping Governor, but President Grant intervened to restore him to office. The "Mississippi" or "shot-gun plan"<sup>1</sup> was very generally employed, except where the contest was likely to go in favor of the whites without the use of undue pressure. The white leaders exercised a moderating influence, but the average white man had determined to do away with negro government even though the alternative might be a return of military rule. Congress investigated the elections in each State which overthrew the reconstructionists, but nothing came of the inquiry and the population rapidly settled down into good order. After 1875 only three States were left under radical government — Louisiana and Florida, where the returning boards could throw out any Democratic majority, and South Carolina, where the negroes greatly outnumbered the whites.

Reconstruction could hardly be a genuine issue in the presidential campaign of 1876, because all except these three reconstructed States had escaped from radical control, and there was no hope and

<sup>1</sup> See *The New South*, by Holland Thompson (in *The Chronicles of America*).

little real desire of regaining them. It was even expected that in this year the radicals would lose Louisiana and Florida to the "white man's party." The leaders of the best element of the Republicans, both North and South, looked upon the reconstruction as one of the prime causes of the moral breakdown of their party; they wanted no more of the Southern issue but planned a forward-looking, constructive reform.

To some of the Republican leaders, however, among whom was James G. Blaine, it was clear that the Republican party, with its unsavory record under Grant's Administration, could hardly go before the people with a reform program. The only possible thing to do was to revive some Civil War issue — "wave the bloody shirt" and fan the smoldering embers of sectional feeling. Blaine met with complete success in raising the desired issue. In January, 1876, when an amnesty measure was brought before the House, he moved that Jefferson Davis be excepted on the ground that he was responsible for the mistreatment of Union prisoners during the war. Southern hot-bloods replied, and Blaine skillfully led them on until they had foolishly furnished him with ample material for campaign purposes. The feeling thus

aroused was so strong that it even galvanized into seeming life the dying interest in the wrongs of the negro. The rallying cry "Vote as you shot!" gave the Republicans something to fight for; the party referred to its war record, claimed credit for preserving the Union, emancipating the negro, and reconstructing the South, and demanded that the country be not "surrendered to rebel rule."

Hayes and Tilden, the rival candidates for the presidency, were both men of high character and of moderate views. Their nominations had been forced by the better element of each party. Hayes, the Republican candidate, had been a good soldier, was moderate in his views on Southern questions, and had a clean political reputation. Tilden, his opponent, had a good record as a party man and as a reformer, and his party needed only to attack the past record of the Republicans. The principal Democratic weakness lay in the fact that the party drew so much of its strength from the white South and was therefore subjected to criticism on Civil War issues.

The campaign was hotly contested and was conducted on a low plane. Even Hayes soon saw that the "bloody shirt" issue was the main vote winner. The whites of the three "unredeemed" Southern

States nerved themselves for the final struggle. In South Carolina and in some parishes of Louisiana there was a considerable amount of violence, in which the whites had the advantage, and much fraud, which the Republicans, who controlled the election machinery, turned to best account. It has been said that out of the confusion which the Republicans created they won the presidency.

The first election returns seemed to give Tilden the victory with 184 undisputed electoral votes and popular majorities of ninety and over six thousand respectively in Florida and Louisiana; only 185 votes were needed for a choice. Hayes had 166 votes, not counting Oregon, in which one vote was in dispute, and South Carolina, which for a time was claimed by both parties. Had Louisiana and Florida been Northern States, there would have been no controversy, but the Republican general headquarters knew that the Democratic majorities in these States had to go through Republican returning boards, which had never yet failed to throw them out.

The interest of the nation now centered around the action of the two returning boards. At the suggestion of President Grant, prominent Republicans went South to witness the count. Later



prominent Democrats went also. These "visiting statesmen" were to support the frail returning boards in their duty. It was generally understood that these boards, certainly the one in Louisiana, were for sale, and there is little doubt that the Democrats inquired the price. But they were afraid to bid on such uncertain quantities as Governor Wells and T. C. Anderson of Louisiana, both notorious spoilsmen. The members of the boards in both States soon showed the stiffening effect of the moral support of the Federal Administration and of the "visiting statesmen." Reassured as to their political future, they proceeded to do their duty: in Florida they threw out votes until the ninety majority for Tilden was changed to 925 for Hayes, and in Louisiana, by throwing out about fifteen thousand carefully selected ballots, they changed Tilden's lowest majority of six thousand to a Hayes majority of nearly four thousand. Naturally the Democrats sent in contesting returns, but the presidency was really won when the Republicans secured in Louisiana and Florida returns which were regular in form. But hoping to force Congress to go behind the returns, the Democrats carried up contests also from Oregon and South Carolina, whose votes properly belonged to Hayes.

The final contest came in Congress over the counting of the electoral votes. The Constitution provides that "the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the Certificates, and the Votes shall then be counted." But there was no agreement as to where authority lay for deciding disputed votes. Never before had the presidency turned on a disputed count. From 1864 to 1874 the "twenty-second joint rule" had been in force under which either House might reject a certificate. The votes of Georgia in 1868 and of Louisiana in 1872 had thus been thrown out. But the rule had not been readopted by the present Congress, and the Republicans very naturally would not listen to a proposal to readopt it now.

With the country apparently on the verge of civil war, Congress finally created by law an Electoral Commission to which were to be referred all disputes about the counting of votes and the decision of which was to be final unless both Houses concurred in rejecting it. The act provided that the commission should consist of five senators, five representatives, four designated associate justices of the Supreme Court, and a fifth associate justice to be chosen by these four. While nothing was

said in the act about the political affiliations of the members of the commission, every one understood that the House would select three Democrats and two Republicans, and that the Senate would name two Democrats and three Republicans. It was also well known that of the four justices designated two were Republicans and two Democrats, and it was tacitly agreed that the fifth would be Justice David Davis, an "independent." But at the last moment Davis was elected Senator by the Illinois Legislature and declined to serve on the Commission. Justice Bradley, a Republican, was then named as the fifth justice, and in this way the Republicans obtained a majority on the Commission.

The Democrats deserve the credit for the Electoral Commission. The Republicans did not favor it, even after they were sure of a party majority on it. They were conscious that they had a weak case, and they were afraid to trust it to judges of the Supreme Court. Their fears were groundless, however, since all important questions were decided by an 8 to 7 vote, Bradley voting with his fellow Republicans. Every contested vote was given to Hayes, and with 185 electoral votes he was declared elected on March 2, 1877.

Ten years before, Senator Morton of Indiana had

said: "I would have been in favor of having the colored people of the South wait a few years until they were prepared for the suffrage, until they were to some extent educated, but the necessities of the times forbade that; the conditions of things required that they should be brought to the polls at once." Now the condition of things required that some arrangement be made with the Southern whites which would involve a complete reversal of the situation of 1867. In order to secure the unopposed succession of Hayes, to defeat filibustering which might endanger the decision of the Electoral Commission, politicians who could speak with authority for Hayes assured influential Southern politicians, who wanted no more civil war but who did want home rule, that an arrangement might be made which would be satisfactory to both sides.

So the contest was ended. Hayes was to be President; the South, with the negro, was to be left to the whites; there would be no further military aid to carpetbag governments. In so far as the South was concerned, it was a fortunate settlement — better, indeed, than if Tilden had been inducted into office. The remnants of the reconstruction policy were surrendered by a Republican President,

the troops were soon withdrawn, and the three radical States fell at once under the control of the whites. Hayes could not see in his election any encouragement to adopt a vigorous radical position, and Congress was deadlocked on party issues for fifteen years. As a result the radical Republicans had to develop other interests, and the North gradually accepted the Southern situation.

Although the radical policy of reconstruction came to an end in 1877, some of its results were more lasting. The Southern States were burdened heavily with debt, much of which had been fraudulently incurred. There now followed a period of adjustment, of refunding, scaling, and repudiation, which not only injured the credit of the States but left them with enormous debts. The Democratic party under the leadership of former Confederates began its régime of strict economy, race fairness, and inelastic Jeffersonianism. There was a political rest which almost amounted to stagnation and which the leaders were unwilling to disturb by progressive measures lest a developing democracy make trouble with the settlement of 1877.

The undoing of reconstruction was not entirely completed with the understanding of 1877. There

remained a large but somewhat shattered Republican party in the South, with control over county and local government in many negro districts. Little by little the Democrats rooted out these last vestiges of negro control, using all the old radical methods and some improvements,<sup>1</sup> such as tissue ballots, the shuffling of ballot boxes, bribery, force, and redistricting, while some regions were placed entirely under executive control and were ruled by appointed commissions. With the good government which followed these changes a deadlocked Congress showed no great desire to interfere. The Supreme Court came to the aid of the Democrats with decisions in 1875, 1882, and 1883 which drew the teeth from the Enforcement Laws, and Congress in 1894 repealed what was left of these regulations.

Under such discouraging conditions the voting strength of the Republicans rapidly melted away. The party organization existed for the Federal offices only and was interested in keeping down the number of those who desired to be rewarded. As a consequence, the leaders could work in harmony with those Democratic chiefs who were content with a "solid South" and local home rule. The negroes

<sup>1</sup> See *The New South*, by Holland Thompson (in *The Chronicles of America*).

of the Black Belt, with less enthusiasm and hope, but with quite the same docility as in 1868, began to vote as the Democratic leaders directed. This practice brought up in another form the question of "negro government" and resulted in a demand from the people of the white counties that the negro be put entirely out of politics. The answer came between 1890 to 1902 in the form of new and complicated election laws or new constitutions which in various ways shut out the negro from the polls and left the government to the whites. Three times have the Black Belt regions dominated the Southern States: under slavery, when the master class controlled; under reconstruction, when the leaders of the negroes had their own way; and after reconstruction until negro disfranchisement, when the Democratic dictators of the negro vote ruled fairly but not always acceptably to the white counties which are now the source of their political power.



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There are many scholarly monographs on reconstruction in the several States. The best of these are: J. W. Garner's *Reconstruction in Mississippi* (1901), W. L. Fleming's *Civil War and Reconstruction in Alabama* (1905), J. G. deR. Hamilton's *Reconstruction in North Carolina* (1914), W. W. Davis's *The Civil War and Reconstruction in Florida* (1913), J. S. Reynolds's *Reconstruction in South Carolina, 1865-1877* (1905); C. W. Ramsdell's *Reconstruction in Texas* (1910), and C. M. Thompson's *Reconstruction in Georgia* (1915).

Books of interest on special phases of reconstruction are not numerous, but among those deserving mention are Paul S. Pierce's *The Freedmen's Bureau* (1904), D. M. DeWitt's *The Impeachment and Trial of Andrew Johnson* (1903), and Paul L. Haworth's *The Hayes-Tilden Disputed Presidential Election of 1876* (1906), each of which is a thorough study of its field. J. C. Lester and D. L. Wilson's *Ku Klux Klan* (1905) and M. L. Avary's *Dixie After the War* (1906) contribute much to a fair understanding of the feeling of the whites after the Civil War; and Gideon Welles, *Diary*, 3 vols. (1911), is a mine of information from a conservative cabinet officer's point of view.

For the politician's point of view one may go to James G. Blaine's *Twenty Years of Congress*, 2 vols. (1884, 1886) and Samuel S. Cox's *Three Decades of Federal Legislation* (1885). Good biographies are James A. Woodburn's *The Life of Thaddeus Stevens* (1913), Moorfield Storey's *Charles Sumner* (1900), C. F. Adams's *Charles Francis Adams* (1900). Less satisfactory because more partisan is Edward Stanwood's *James*

*Gillespie Blaine* (1906). There are no adequate biographies of the Democratic and Southern leaders.

The official documents are found conveniently arranged in William McDonald's *Select Statutes, 1861-1898* (1903), and also with other material in Walter L. Fleming's *Documentary History of Reconstruction*, 2 vols. (1906, 1907). The general reader is usually repelled by the collections known as *Public Documents*. The valuable *Ku Klux Trials* (1872) is, however, separately printed and to be found in most good libraries. By a judicious use of the indispensable *Tables and Index to Public Documents* one can find much vividly interesting material in connection with contested election cases and reports of congressional investigations into conditions in the South.



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